



Right To Know &lt;requests@righttoknow.ie&gt;

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## Request under SI 133 of 2007

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**Right To Know** <requests@righttoknow.ie>  
To: foi@taoiseach.gov.ie

Thu, Jul 13, 2017 at 7:32 AM

Dear Sir or Madam

Please provide access to all records submitted to the Government by Ministers which concern Ireland's green house gas emissions. The scope of this request covers 2011 to date.

Please provide the information electronically by email.

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Right to Know CLG, Registered in Dublin, Ireland No. 565565  
Registered Office: 25 Herbert Place, Dublin 2  
Directors: G Sheridan, M. Browne



Right To Know &lt;requests@righttoknow.ie&gt;

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## AIE request of 13/07

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**Owen.Feeney@taoiseach.gov.ie** <Owen.Feeney@taoiseach.gov.ie>

Tue, Jul 18, 2017 at 4:51 PM

To: requests@righttoknow.ie

Cc: Andrew.Moran@taoiseach.gov.ie

Dear sir/madam,

I refer to your e-mail of 13 July 2017 and request under Access to Information on the Environment regulations for:

"... all records submitted to the Government by Ministers which concern Ireland's green house gas emissions. The scope of this request covers 2011 to date. "

To assist the Department in responding to your request we ask that you indicate in a less general manner the records sought. The Department can provide advice and assistance to this end.

Yours faithfully,

Owen Feeney

**Owen Feeney** | Economic Division | Department of the Taoiseach

Government Buildings, Merrion Street, Dublin D02 R583.

Ph: + 353 (1) 619 4568/ (0)87 065 7784 | [owen.feeney@taoiseach.gov.ie](mailto:owen.feeney@taoiseach.gov.ie)

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Right To Know &lt;requests@righttoknow.ie&gt;

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**Re: AIE request of 13/07**

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**Right To Know** <requests@righttoknow.ie>

Tue, Jul 18, 2017 at 8:24 PM

To: Owen.Feeney@taoiseach.gov.ie

Cc: Andrew.Moran@taoiseach.gov.ie

Dear Owen

We are happy to clarify, the request is for all documents considered by the cabinet at cabinet meetings (i.e. meetings of the Government) in relation to greenhouse gas emissions from 2011 to date. We presume that such documents should be identifiable from the records of the meetings and may include for example briefings by ministers, reports, analysis etc. As you are no doubt aware there is a strong public interest in how public authorities are addressing climate change.

Yours sincerely

R2K

On Tue, Jul 18, 2017 at 4:51 PM, &lt;Owen.Feeney@taoiseach.gov.ie&gt; wrote:

Dear sir/madam,

I refer to your e-mail of 13 July 2017 and request under Access to Information on the Environment regulations for:

"... all records submitted to the Government by Ministers which concern Ireland's green house gas emissions. The scope of this request covers 2011 to date. "

To assist the Department in responding to your request we ask that you indicate in a less general manner the records sought. The Department can provide advice and assistance to this end.

Yours faithfully,

Owen Feeney

**Owen Feeney** | Economic Division | Department of the Taoiseach

Government Buildings, Merrion Street, Dublin D02 R583.

Ph: + 353 (1) 619 4568/ (0)87 065 7784 | [owen.feeney@taoiseach.gov.ie](mailto:owen.feeney@taoiseach.gov.ie)**View the [Department's Mail Disclaimer](#) / Féach Fógra Séanta Ríomhphoist na Roinne**

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Right to Know CLG, Registered in Dublin, Ireland No. 565565

Registered Office: 25 Herbert Place, Dublin 2

Directors: G Sheridan, M. Browne



Roinn an Taoisigh  
Department of the Taoiseach

Our Reference Number: AIE/2017/0002

20 July 2017.

Right to Know,  
25 Herbert Place,  
Dublin 2.

Dear Sir or Madam,

I refer to the request which you have made under the Access to Information on the Environment Regulations for “all records submitted to the Government by Ministers which concern Ireland's green house gas emissions. The scope of this request covers 2011 to date.”

Please note that your email was received on 13 July 2017. The officer handling your request is Owen Feeney and he may be contacted by telephone at 6194003 should you have any questions or concerns about your request. I believe Mr. Feeney has already been in contact in relation to narrowing the scope of your request.

A final decision on your request would normally be sent to you within one month of receipt of your request.

There are some situations under the AIE Regulations which could mean that the period for a final decision may be longer than the normal four weeks. If this occurs in the case of your request, we will promptly advise you in writing.

Should our final decision not reach you on time, please feel free to call me to discuss any problems that may have arisen.

If you have not heard from us once the allotted time has expired, you are automatically entitled to appeal to this Department for a review of the matter. This review proceeds on the legal basis that the initial request was refused given that the time expired. The review is a full and new consideration of the matter carried out by a more senior member of staff of this Department. An application for appeal can be sent to me, in writing.

Should you want to make an appeal, of any decision you receive, you can do so by writing to me also, at the Department of the Taoiseach, Government Buildings, Upper Merrion Street, D02 R583.

Yours sincerely,

Anthony Cummins,  
Access to Information on the Environment Liaison Officer,  
Tel: 6194504 or Email: [anthony.cummins@taoiseach.gov.ie](mailto:anthony.cummins@taoiseach.gov.ie)



Right To Know &lt;requests@righttoknow.ie&gt;

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**Re: AIE request of 13/07**

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**Owen.Feeney@taoiseach.gov.ie** <Owen.Feeney@taoiseach.gov.ie>  
To: Right To Know <requests@righttoknow.ie>  
Cc: Sascha.O'Toole@taoiseach.gov.ie

Wed, Jul 26, 2017 at 4:28 PM

Dear sir/madam,

Thank you for your e-mail of 18 July.

Following an initial review of possible records coming under the scope of your request, I wish to inform you that the Department will require the additional month allowed for under Article 7 of the AIE Regulations for the processing of voluminous requests.

I wish to further inform you that it may be necessary to apply reasonable charges for the processing of this request.

Yours faithfully,

Owen Feeney

**Owen Feeney** | Economic Division | Department of the Taoiseach  
Government Buildings, Merrion Street, Dublin D02 R583.  
Ph: + 353 (1) 619 4568/ (0)87 065 7784 | [owen.feeney@taoiseach.gov.ie](mailto:owen.feeney@taoiseach.gov.ie)

▼ Right To Know ---18/07/2017 20:25:06---Dear Owen We are happy to clarify, the request is for all documents considered by the

From: Right To Know <[requests@righttoknow.ie](mailto:requests@righttoknow.ie)>  
To: [Owen.Feeney@taoiseach.gov.ie](mailto:Owen.Feeney@taoiseach.gov.ie)  
Cc: [Andrew.Moran@taoiseach.gov.ie](mailto:Andrew.Moran@taoiseach.gov.ie)  
Date: 18/07/2017 20:25  
Subject: Re: AIE request of 13/07

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Dear Owen

We are happy to clarify, the request is for all documents considered by the cabinet at cabinet meetings (i.e. meetings of the Government) in relation to greenhouse gas emissions from 2011 to date. We presume that such documents should be identifiable from the records of the meetings and may include for example briefings by ministers, reports, analysis etc. As you are no doubt aware there is a strong public interest in how public authorities are addressing climate change.

Yours sincerely

R2K

On Tue, Jul 18, 2017 at 4:51 PM, <[Owen.Feeney@taoiseach.gov.ie](mailto:Owen.Feeney@taoiseach.gov.ie)> wrote:

Dear sir/madam,

I refer to your e-mail of 13 July 2017 and request under Access to Information on the Environment regulations for:

"... all records submitted to the Government by Ministers which concern Ireland's green house gas emissions. The scope of this request covers 2011 to date. "

11/1/2017

Right To Know Mail - Re: AIE request of 13/07

To assist the Department in responding to your request we ask that you indicate in a less general manner the records sought. The Department can provide advice and assistance to this end.

Yours faithfully,

Owen Feeney

**Owen Feeney** | Economic Division | Department of the Taoiseach  
Government Buildings, Merrion Street, Dublin D02 R583.  
Ph: [+ 353 \(1\) 619 4568](tel:+35316194568) / (0)87 065 7784 | [owen.feeney@taoiseach.gov.ie](mailto:owen.feeney@taoiseach.gov.ie)

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Oifig an Taoisigh  
Office of the Taoiseach

Right to Know,  
25 Herbert Place,  
Dublin 2.

(by e-mail, [requests@righttoknow.ie](mailto:requests@righttoknow.ie))

11 September 2017

Dear sir/madam,

I refer to your request of 13/07/17, under the European Communities Access to Information on the Environment (AIE) Regulations, for all records submitted to the Government by Ministers which concern Ireland's green house gas emissions, from 2011 to date.

Following your clarification and this Department's request (in line with regulation 7.2(b) of the AIE Regulations) for an additional month considering the voluminous nature of the request, please now find attached a schedule of relevant records identified by the Department.

Forty records have been identified. Having reviewed them, I have decided they should not be released. All of the documents are Memoranda for Government. Many have accompanying or appended documents or reports. Some of the accompanying documents or reports are already in the public domain, as listed on the schedule. The Department can provide copies of these accompanying documents should you wish.

With respect to Memoranda for Government and those accompanying or attached documents that are not in the public domain it is considered that these should be withheld on the basis of Regulation 8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations in that, respectively, disclosure would adversely affect the confidentiality of the proceedings of public authorities, namely Government, and would involve disclosure of discussions at one or more meetings of the Government and all concern the internal communications of public authorities, namely the Government, taking into account the public interest served by the disclosure.

In respect of each document I have weighed the public interest served by disclosure against the interest served by refusal. I consider the latter outweighs the former. There is a greater public interest in preserving the confidentiality of the internal communications and deliberations and discussion of Government than in releasing these documents to the public. While your request concerns information on emissions into the environment the grounds relied upon are such that it is permissible to refuse a request in respect of such information.

You are entitled under AIE Regulations to appeal this decision within one month of the date of this notification. In the event you wish to make such an appeal, you may do so in writing to the Freedom of Information Unit, Department of the Taoiseach, Government Buildings, Merrion Street, D02 R583, referring to this letter. An appeal would involve a complete reconsideration of the matter by a more senior member of the staff of this Department and the decision would be communicated to you within one month of receipt of the appeal.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Owen Feeney', with a stylized, flowing script.

Owen Feeney

Decision maker

**AIE Request** – all records submitted to the Government by Ministers which concern Ireland's green house gas emissions. (Right to Know)

	<b>Description</b>	<b>Date</b>	<b>Release Y/N</b>	<b>Basis of refusal</b>
1	Memo for Government - '2011 & 2012 Special and Commemorative Stamp Programmes'	10/01/11	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
2	Memo for Government - 'Ireland's National Reform Programme (NRP) under the Europe 2020 Strategy'	11/04/11	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  NRP is public record
3	Memo for the Information of Government - 'Ireland's National Reform Programme (NRP) under the Europe 2020 Strategy'	16/04/12	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  NRP Update is public record
4	Memo for the Information of Government - 'Renewable Energy Strategy 2012-2020'	11/05/12	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  Renewable Energy Strategy is public record
5	Memo for Government - 'Annual Report of NESDO and Review of NESDO and NESC'	16/07/12	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
6	Memo for Government - 'Towards a New Climate Policy: Interim Report of the NESC Secretariat'	24/09/12	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  NESC Report is public record
7	Memo for Government - 'Environmental Protection Agency Annual Report & Accounts 2011'	01/11/12	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  Report is public record
8	Memo for Government - 'National Energy Efficiency Action Plan 2'	09/11/12	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  Action Plan is public record
9	Memo for Government - 'National Climate Change Adaptation Framework'	14/12/12	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  Framework is public record
10	Memo for Government - 'National Low Carbon Development Bill 2013'	17/12/12	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
11	Memo for Government - 'Dáil Private Members' Bill 8 February 2013 - Energy Security and Climate Change Bill 2012'	05/02/13	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
12	Memo for Government - 'Climate Action and Low Carbon Development Bill 2013'	20/02/13	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
13	Memo for the Information of Government - 'Ireland's National Reform Programme	19/04/13	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations



	(NRP) under the Europe 2020 Strategy'			NRP Update is public record
14	Memo for the Information of Government - 'Energy Efficiency Measures'	10/05/13	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
15	Memo for the Information of Government - 'EPA Annual Report and Accounts 2012'	13/11/13	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  Report is public record
16	Memo for Government - 'National Climate Policy Development'	13/12/13	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
17	Memo for Government - 'Offshore Renewable Energy Development Plan'	24/01/14	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  Development Plan is public record
18	Memo for Government - 'Proposed EU policy framework for climate and energy in the period from 2020 to 2030'	25/02/14	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
19	Memo for Government - 'Ireland's National Reform Programme 2014'	14/04/14	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  NRP is public record
20	Memo for Government - 'National Climate Policy Position and Heads of Climate Action and Low-Carbon Development Bill'	16/04/14	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
21	Memo for Government - 'National Energy Efficiency Action Plan (NEEAP)'	16/05/14	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  Action Plan and Appendices are public record
22	Memo for Government - 'Climate Action and Low Carbon Development Bill 2015'	09/01/15	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
23	Memo for the Information of Government - 'European Structural & Investment Funds'	09/01/15	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
24	Memo for Government - 'EU Climate and energy Negotiations & Development of National Climate and Energy Technical Infrastructure Capacity'	25/05/15	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
25	Memo for Government - 'Amendments to the Climate Action and Low Carbon Development Bill 2015'	29/06/15	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
26	Memo for Government - 'Amendments to the Climate Action and Low Carbon	09/11/15	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations



	Development Bill 2015'			
27	Memo for Government - 'EU2030 Climate and Energy Framework Negotiations'	23/11/15	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
28	Memo for Government - 'Publication of a White Paper on energy Policy entitled 'Ireland's Transition to a Low Carbon Energy Future''	04/12/15	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  White Paper is public record
29	Memo for Government - 'Signature of the Paris Agreement to the United Nations Framework Convention on Climate Change by the Government of Ireland'	13/04/16	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
30	Memo for Government - 'Formal Request to relevant Ministers to submit sectoral climate mitigation measures for inclusion in the National Mitigation Plan'	11/07/16	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
31	Memo for Government - 'Ratification by the European Union of the Paris Agreement ahead of its Member States'	26/09/16	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
32	Memo for Government - 'Ratification of the Paris Agreement to the United Nations Framework Convention on Climate Change by the Government of Ireland'	17/10/16	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
33	Memo for Government - 'Review of the Wind Energy Development Guidelines 2006'	07/12/16	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
34	Memo for Government - 'Reform of European Union Emissions Trading System (ETS)'	12/12/16	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
35	Memo for Government - 'Approval of a Public Sector Energy Efficiency Strategy 2017-2020'	13/12/16	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  Strategy is public record
36	Memo for Government - 'Proposal to the Government to advance action in support of the National Aviation Policy for Ireland - Report of the National Civil Aviation Development Forum'	30/01/17	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations  Report is public record
37	Memo for Government - 'National Dialogue on Climate Action (NDCA)'	01/03/17	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
38	Memo for Government - 'Publication of Draft National	06/03/17	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations

	Mitigation Plan for Public Consultation'			Appendices are public record
39	Memo for Government - 'Committee Stage Amendments to Private Members' Bill Prohibition of the Exploration and Extraction of Onshore Petroleum Bill 2016'	07/04/17	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations
40	Memo for Government - 'Publication of Draft National Mitigation Plan'	23/06/17	N	8 (a) (iv), 8 (b) and 9 (2) (d) of the AIE Regulations



Right To Know &lt;requests@righttoknow.ie&gt;

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**Re: AIE request of 13/07**

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**Right To Know** <requests@righttoknow.ie>

Wed, Sep 13, 2017 at 11:18 AM

To: Owen.Feeney@taoiseach.gov.ie

Dear Owen

We are requesting an internal review. In particular you have not identified the public interest factors favouring release of information. This is surprising given the importance of climate change.

Yours sincerely  
R2K

On Mon, Sep 11, 2017 at 2:31 PM, <[Owen.Feeney@taoiseach.gov.ie](mailto:Owen.Feeney@taoiseach.gov.ie)> wrote:

Dear sir/madam,

Further to your AIE request of 13 July 2017, please find attached my response and a schedule of documents identified.

Yours faithfully,

Owen

*(See attached file: 170911 response.pdf)(See attached file: 1709 AIE Right to Know - Schedule of records.docx)*

**Owen Feeney** | Economic Division | Department of the Taoiseach  
Government Buildings, Merrion Street, Dublin D02 R583.  
Ph: + 353 (1) 619 4568 | [owen.feeney@taoiseach.gov.ie](mailto:owen.feeney@taoiseach.gov.ie)

▼ Owen Feeney---26/07/2017 16:28:46---Dear sir/madam, Thank you for your e-mail of 18 July.

From: Owen Feeney/ESP/DOT  
To: Right To Know <[requests@righttoknow.ie](mailto:requests@righttoknow.ie)>  
Cc: Sascha O'Toole/GPS/DOT@DOT  
Date: 26/07/2017 16:28  
Subject: Re: AIE request of 13/07

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Dear sir/madam,

Thank you for your e-mail of 18 July.

Following an initial review of possible records coming under the scope of your request, I wish to inform you that the Department will require the additional month allowed for under Article 7 of the AIE Regulations for the processing of voluminous requests.

I wish to further inform you that it may be necessary to apply reasonable charges for the processing of this request.

Yours faithfully,

Owen Feeney

**Owen Feeney** | Economic Division | Department of the Taoiseach  
Government Buildings, Merrion Street, Dublin D02 R583.  
Ph: + 353 (1) 619 4568 / (0)87 065 7784 | [owen.feeney@taoiseach.gov.ie](mailto:owen.feeney@taoiseach.gov.ie)

▼ Right To Know ---18/07/2017 20:25:06---Dear Owen We are happy to clarify, the request is for all documents considered by the

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To: [Owen.Feeney@taoiseach.gov.ie](mailto:Owen.Feeney@taoiseach.gov.ie)

Cc: [Andrew.Moran@taoiseach.gov.ie](mailto:Andrew.Moran@taoiseach.gov.ie)

Date: 18/07/2017 20:25

Subject: Re: AIE request of 13/07

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Dear Owen

We are happy to clarify, the request is for all documents considered by the cabinet at cabinet meetings (i.e. meetings of the Government) in relation to greenhouse gas emissions from 2011 to date. We presume that such documents should be identifiable from the records of the meetings and may include for example briefings by ministers, reports, analysis etc. As you are no doubt aware there is a strong public interest in how public authorities are addressing climate change.

Yours sincerely

R2K

On Tue, Jul 18, 2017 at 4:51 PM, <[Owen.Feeney@taoiseach.gov.ie](mailto:Owen.Feeney@taoiseach.gov.ie)> wrote:

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"... all records submitted to the Government by Ministers which concern Ireland's green house gas emissions. The scope of this request covers 2011 to date. "

To assist the Department in responding to your request we ask that you indicate in a less general manner the records sought. The Department can provide advice and assistance to this end.

Yours faithfully,

Owen Feeney

**Owen Feeney** | Economic Division | Department of the Taoiseach

Government Buildings, Merrion Street, Dublin D02 R583.

Ph: [+353 \(1\) 619 4568](tel:+35316194568) / (0)87 065 7784 | [owen.feeney@taoiseach.gov.ie](mailto:owen.feeney@taoiseach.gov.ie)

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Registered Office: 25 Herbert Place, Dublin 2

Directors: G Sheridan, M. Browne

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Right to Know CLG, Registered in Dublin, Ireland No. 565565

Registered Office: 25 Herbert Place, Dublin 2

11/1/2017

Right To Know Mail - Re: AIE request of 13/07

Directors: G Sheridan, M. Browne



Roinn an Taoisigh  
Department of the Taoiseach

Our Reference Number: AIE/2017/0002

13 September 2017.

Right to Know,  
requests@righttoknow.ie

Dear Sir or Madam,

I refer to the request which you have made under the Access to Information on the Environment Regulations for an Internal Review regarding the following (as clarified by you in your email dated 18/07/2017):

"All documents considered by the Cabinet at Cabinet meetings (i.e. meetings of the Government) in relation to greenhouse gas emissions from 2011 to date."

The Review will be conducted by a more senior official in the Department. A final decision would normally be sent to you within one month of receipt of your request.

If you are not satisfied with the outcome of the internal review, you can appeal to the Commissioner for Environmental Information (CEI). You must appeal within one month of receiving the decision on the internal review. However, the Commissioner may extend this time limit in individual cases. The address of the Office of the Commissioner for Environmental Information is 18 Lower Leeson Street, Dublin 2, D02 HE97.

**Phone:** 01-639 5689 or **Email:** [info@ocei.ie](mailto:info@ocei.ie)

Yours sincerely,

Anthony Cummins,  
Access to Information on the Environment Liaison Officer,  
Tel: 6194504 or Email: [anthony.cummins@taoiseach.gov.ie](mailto:anthony.cummins@taoiseach.gov.ie)



Roinn an Taoisigh  
Department of the Taoiseach

Right to Know,  
25 Herbert Place,  
Dublin 2.  
Email – requests@righttoknow.ie

1 November 2018

**Re: AIE Request – Reference: AIE/2017/0002**

Dear Sir/Madam,

I am writing to you further to your correspondence, dated 20 August 2018, to the Department of the Taoiseach inviting a review from the Department in relation to the AIE request above.

I have conducted a new and full review of the AIE request above. Following this review, I have now made a decision in relation to this AIE request.

A total of 40 records were identified as being relevant to this request. 26 of the records are being withheld while 14 are being part-released. The schedule of records attached describes each record and refers to the section of the AIE regulations under which the records are being withheld or redacted.

Having considered the High Court judgment in Right to Know CLG and An Taoiseach and Minister for Communications, Climate Action and Environment [2018] given on 6 June 2018, I wish to explain that the department generally considers the records in question to be exempt from release under the AIE regulations, namely, sections 8 (b) and 9 (2) (d).

The records requested comprise Memoranda for the Government and Memoranda for the Information of the Government, which include Cabinet discussions. I wish to inform you that,

in general, it is considered that Cabinet discussions do not come within the definition of environmental information prescribed in the regulations. In carrying out this review, a distinction has been drawn between the wider consideration of matters by government and the narrower Cabinet discussions showing the views of members of the Government.

The definition of environmental information in the regulations is:

“any information in written, visual, aural, electronic or any other material form on—

(a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms and the interaction among these elements,

(b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment,

(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in paragraphs (a) and (b) as well as measures or activities designed to protect those elements,

(d) reports on the implementation of environmental legislation,

(e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in paragraph (c), and

(f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life, cultural sites and built structures inasmuch as they are, or may be, affected by the state of the elements of the environment referred to in paragraph (a) or, through those elements, by any of the matters referred to in paragraphs (b) and (c);



I consider that while the definition of environmental information clearly extends beyond hard information on the state of the environment and factors affecting the environment in subparagraphs (a) and (b), to policy material in subparagraphs (c) and (d), Cabinet discussions, consisting as they do of the views of members of the Government, as opposed to factual information, do not fall within the scope of the definition of environmental information.

More generally, the judgement in *Attorney General v Hamilton* made clear that the protection afforded by Article 28 of the Constitution in relation to Cabinet discussions is to facilitate “full, free and frank discussion between members of the Government prior to the making of decisions”. This is very different to the ‘measures ..... policies, legislation, plans, programmes’ in the definition of environmental information which clearly refer to the outcome, rather than the process of decision making.

Notwithstanding the above view, if, in the alternative, the parts of the records comprising Cabinet discussions were to be considered as falling within the definition of environmental information as defined in the AIE Regulations, in considering release, particular regard has to be had to article 9 (2) (d) of the AIE Regulations which provides a discretionary ground for refusal of information where it concerns internal communications of public authorities, taking into account the public interest served by disclosure. I consider the Memoranda for the Government to be internal communications of public authorities and that their release depends on the outcome of the public interest test required by this article.

Regard is also required in relation to article 8 (b) of the AIE Regulations, which provides that a public authority shall not make available environmental information to the extent that it would involve the disclosure of discussions at one or more meetings of the Government. This ground mandates a refusal under the AIE Regulations, subject to article 10. Article 10 (1) of the AIE Regulations provides that notwithstanding article 8, a request for environmental information shall not be refused where the request relates to information on emissions into the environment. As the record in question here does not refer to emissions into the environment article 10 (1) does not apply.

In addition, article 10 (1) is itself subject to further sub-articles in article 10. Article 10 (2) states a reference in sub-article (1) to information on emissions into the environment shall not

include a reference to any discussion on the matter of such emissions at any meeting of the Government. As above, the record in question here does not refer to emissions into the environment and article 10 (2) does not apply.

Article 10 (3) provides that a public authority shall consider each request on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

Article 10 (4) states that the grounds for refusal of a request for environmental information shall be interpreted on a restrictive basis having regard to the public interest served by disclosure.

Article 10 (5) provides that nothing in article 8 or 9 shall authorise a public authority not to make available environmental information which, although held with information to which article 8 or 9 relates, may be separated from such information.

Set out in the appendix beneath are the public interest tests that I have completed in respect of each record in question.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Munro', written over a horizontal line.

Andrew Munro

Assistant Secretary

## Appendix

### **Record 1 - Memo for Government - '2011 & 2012 Special and Commemorative Stamp Programmes'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 10/01/11.

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified



circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.

- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions*”.
  - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised*”.
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on Ireland’s greenhouse gas emissions such as replies to parliamentary questions and Government press releases.

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken article 10 (5) of the regulations into account and I have decided to release the parts of this record that relate to the wider consideration by cabinet of Ireland's greenhouse gas emissions as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

**Record 2 - Memo for Government - 'Ireland's National Reform Programme (NRP) under the Europe 2020 Strategy'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;

- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 11/04/11.

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-*



*disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*

- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on Ireland’s greenhouse gas emissions such as replies to parliamentary questions and Government press releases.

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken article 10 (5) of the regulations into account and I have decided to release the parts of this record that relate to the wider consideration by cabinet of Ireland’s greenhouse gas emissions as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

### **Record 3 - Memo for the Information of Government - 'Ireland's National Reform Programme (NRP) under the Europe 2020 Strategy'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 16/04/12.

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest,



pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.

- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made.

As stated in the Attorney General v Hamilton:

- “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions*”.
- “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised*”.
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on Ireland’s greenhouse gas emissions such as replies to parliamentary questions and Government press releases.
- The NRP Update is public record -  
[https://ec.europa.eu/info/sites/info/files/file\\_import/nrp2012\\_ireland\\_en\\_0.pdf](https://ec.europa.eu/info/sites/info/files/file_import/nrp2012_ireland_en_0.pdf)

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken article 10 (5) of the regulations into account and I have decided to release the parts of this record that relate to the wider consideration by cabinet of Ireland's greenhouse gas emissions as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

#### **Record 4 - Memo for the Information of Government - 'Renewable Energy Strategy 2012-2020'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*

- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 11/05/12.

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:



- *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*
- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on Ireland’s greenhouse gas emissions such as replies to parliamentary questions and Government press releases.
- The Renewable Energy Strategy is public record -  
[https://www.teagasc.ie/media/website/crops/crops/RenewableEnergy\\_Strategy2012-2020.pdf](https://www.teagasc.ie/media/website/crops/crops/RenewableEnergy_Strategy2012-2020.pdf)

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken article 10 (5) of the regulations into account and I have decided to release the parts of this record that relate to the wider consideration by cabinet of Ireland’s greenhouse gas emissions

as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

**Record 5 - Memo for Government - 'Annual Report of NESDO and Review of NESDO and NESC'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 16/07/12.

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.

- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”*.
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”*.
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would



be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on Ireland's greenhouse gas emissions such as replies to parliamentary questions and Government press releases.

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken article 10 (5) of the regulations into account and I have decided to release the parts of this record that relate to the wider consideration by cabinet of Ireland's greenhouse gas emissions as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

#### **Record 6 - Memo for Government - 'Towards a New Climate Policy: Interim Report of the NESC Secretariat'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*

- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 24/09/12,

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:



- *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*
- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on Ireland’s greenhouse gas emissions such as replies to parliamentary questions and Government press releases.
- The NESC Report is public record -  
[http://files.nesc.ie/nesc\\_secretariat\\_papers/No\\_3\\_Towards\\_a\\_New\\_National\\_Climate\\_Policy.pdf](http://files.nesc.ie/nesc_secretariat_papers/No_3_Towards_a_New_National_Climate_Policy.pdf)

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken article 10 (5) of the regulations into account and I have decided to release the parts of this record that relate to the wider consideration by cabinet of Ireland’s greenhouse gas emissions

as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

### **Record 7 - Memo for Government - 'Environmental Protection Agency Annual Report & Accounts 2011'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 01/11/12.

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.

- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”*.
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”*.
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would



be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on Ireland's greenhouse gas emissions such as replies to parliamentary questions and Government press releases.

- The EPA report is public record -

[https://www.epa.ie/pubs/reports/other/corporate/EPA\\_An\\_Rep\\_%202011\\_LR.pdf](https://www.epa.ie/pubs/reports/other/corporate/EPA_An_Rep_%202011_LR.pdf)

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken article 10 (5) of the regulations into account and I have decided to release the parts of this record that relate to the wider consideration by cabinet of Ireland's greenhouse gas emissions as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

#### **Record 8 - Memo for Government - 'National Energy Efficiency Action Plan 2'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a*

*request for environmental information in specific and clearly defined cases.*

*Grounds for refusal should be interpreted in a restrictive way...”*

- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 09/11/12.

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that

Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:

- *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*
- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on Ireland’s greenhouse gas emissions such as replies to parliamentary questions and Government press releases.
- The Action Plan is public record -  
<https://www.dccae.gov.ie/documents/NEEAP%202.pdf>

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken article 10 (5) of the regulations into account and I have decided to release the parts of this



record that relate to the wider consideration by cabinet of Ireland's greenhouse gas emissions as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

#### **Record 9 - Memo for Government - 'National Climate Change Adaptation Framework'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 14/12/12.

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.

- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”*.
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”*.
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would



be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on Ireland's greenhouse gas emissions such as replies to parliamentary questions and Government press releases.

- The Framework is public record -  
<https://www.dccae.gov.ie/documents/National%20Climate%20Change%20Adaptation%20Framework.pdf>

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken article 10 (5) of the regulations into account and I have decided to release the parts of this record that relate to the wider consideration by cabinet of Ireland's greenhouse gas emissions as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

#### **Record 10 - Memo for Government - 'National Low Carbon Development Bill 2013'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*

- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 17/12/12.

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it

could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:

- *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*
- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on Ireland’s greenhouse gas emissions such as replies to parliamentary questions and Government press releases.
- The General Scheme Of a Climate Action and Low Carbon Development Bill is in the public domain - <https://www.oireachtas.ie/en/bills/bill/2015/2/>

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken



article 10 (5) of the regulations into account and I have decided to release the parts of this record that relate to the wider consideration by cabinet of Ireland's greenhouse gas emissions as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

**Record 11 - Memo for Government - 'Dáil Private Members' Bill 8 February 2013 - Energy Security and Climate Change Bill 2012'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 05/02/13.

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority.  
Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law

under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.

- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions*”.
  - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised*”.

- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on Ireland's greenhouse gas emissions such as replies to parliamentary questions and Government press releases.
- The General Scheme Of a Climate Action and Low Carbon Development Bill is in the public domain - <https://www.oireachtas.ie/en/bills/bill/2015/2/>

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken article 10 (5) of the regulations into account and I have decided to release the parts of this record that relate to the wider consideration by cabinet of Ireland's greenhouse gas emissions as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

## **Record 12 - Memo for Government - 'Climate Action and Low Carbon Development Bill 2013'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental*



*matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*

- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*

- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 20/02/13.

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.

- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on Ireland’s greenhouse gas emissions such as replies to parliamentary questions and Government press releases.

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.



In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken article 10 (5) of the regulations into account and I have decided to release the parts of this record that relate to the wider consideration by cabinet of Ireland's greenhouse gas emissions as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

**Record 13 - Memo for the Information of Government - 'Ireland's National Reform Programme (NRP) under the Europe 2020 Strategy'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 19/04/13.

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”*.
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at*

*Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*

- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on Ireland’s greenhouse gas emissions such as replies to parliamentary questions and Government press releases.
- The NRP Update is public record -  
[https://ec.europa.eu/info/sites/info/files/file\\_import/prgregp2013\\_ireland\\_en\\_0.pdf](https://ec.europa.eu/info/sites/info/files/file_import/prgregp2013_ireland_en_0.pdf)

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken article 10 (5) of the regulations into account and I have decided to release the parts of this record that relate to the wider consideration by cabinet of Ireland’s greenhouse gas emissions as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

#### **Record 14 - Memo for the Information of Government - 'Energy Efficiency Measures'**

The factors I have taken into account in favour of release of this record include:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental*



*matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*

- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*

- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;
- The fact that the record was created on 10/05/13.

The factors against release of each of this record that I have taken into account are as follows:

- Cabinet discussions comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.

- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- Whether the cabinet discussions in question in this record add significantly to already publicly available information on the environment, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on Ireland’s greenhouse gas emissions such as replies to parliamentary questions and Government press releases.

Having fully considered the factors for and against disclosure stated above, I have decided to part-release this record.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider this record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure. I have also taken article 10 (5) of the regulations into account and I have decided to release the parts of this record that relate to the wider consideration by cabinet of Ireland's greenhouse gas emissions as distinct from that which comprises cabinet discussions showing views of members of cabinet.

I have also decided to redact material outside the scope of the request.

### **Record 15 - Memo for the Information of Government - 'EPA Annual Report and Accounts 2012'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:



- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”*.
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the*

*disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*

- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.
- The EPA report is public record -  
[http://www.epa.ie/pubs/reports/other/corporate/EPA\\_AnnualReport2013\\_Eng\\_Accessible.pdf](http://www.epa.ie/pubs/reports/other/corporate/EPA_AnnualReport2013_Eng_Accessible.pdf)

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken

article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

### **Record 16 - Memo for Government - 'National Climate Policy Development'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the



Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.

- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions*”.
  - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised*”.
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in

section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.

- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

#### **Record 17 - Memo for Government - 'Offshore Renewable Energy Development Plan'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental*



*matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*

- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.

- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.

- The Development Plan is public record -  
<https://www.dccae.gov.ie/documents/20140204%20DCENR%20-%20Offshore%20Renewable%20Energy%20Development%20Plan.pdf>

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

#### **Record 18 - Memo for Government - 'Proposed EU policy framework for climate and energy in the period from 2020 to 2030'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*



- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:



- *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*
- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

#### **Record 19 - Memo for Government - 'Ireland's National Reform Programme 2014'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”*.
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the*



*disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*

- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.
- The NRP is public record -  
[https://ec.europa.eu/info/sites/info/files/file\\_import/nrp2014\\_ireland\\_en\\_0.pdf](https://ec.europa.eu/info/sites/info/files/file_import/nrp2014_ireland_en_0.pdf)

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.



## **Record 20 - Memo for Government - 'National Climate Policy Position and Heads of Climate Action and Low-Carbon Development Bill'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.

- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions*”.
  - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised*”.
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to

commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.

- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

#### **Record 21 - Memo for Government - 'National Energy Efficiency Action Plan (NEEAP)'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:



- *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.



- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions*”.
  - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised*”.
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest

would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on the reform of judicial review of strategic infrastructure projects covered in the media.

- The Action Plan and Appendices are public record - [https://www.dccae.gov.ie/en-ie/energy/topics/Energy-Efficiency/national-energy-efficiency-action-plan-\(neeap\)/Pages/National-Energy-Efficiency-Action-Plan-\(NEEAP\).aspx](https://www.dccae.gov.ie/en-ie/energy/topics/Energy-Efficiency/national-energy-efficiency-action-plan-(neeap)/Pages/National-Energy-Efficiency-Action-Plan-(NEEAP).aspx)
- The Towards Nearly Zero Energy Buildings in Ireland: Planning for 2020 and Beyond document is in the public domain - <https://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/BuildingStandards/FileDownload,42487,en.pdf>

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

## **Record 22 - Memo for Government - 'Climate Action and Low Carbon Development Bill 2015'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:

- *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.



- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions*”.
  - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised*”.
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest



would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

### **Record 23 - Memo for the Information of Government - 'European Structural & Investment Funds'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*

- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in *Attorney General v Hamilton* made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the *Attorney General v Hamilton*:

- *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*
- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.



In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

**Record 24 - Memo for Government - 'EU Climate and energy Negotiations & Development of National Climate and Energy Technical Infrastructure Capacity'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:



- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”*.
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the*

*disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*

- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

## **Record 25 - Memo for Government - 'Amendments to the Climate Action and Low Carbon Development Bill 2015'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the



administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.

- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions*”.
  - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised*”.
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than



five years before the request was received. This therefore envisages the withholding of records less than 5 years old.

- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

#### **Record 26 - Memo for Government - 'Amendments to the Climate Action and Low Carbon Development Bill 2015'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental*

*matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*

- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.

- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.



Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

#### **Record 27 - Memo for Government - 'EU2030 Climate and Energy Framework Negotiations'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;



- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in *Attorney General v Hamilton* made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the *Attorney General v Hamilton*:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-*

*disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*

- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

**Record 28 - Memo for Government - 'Publication of a White Paper on energy Policy entitled 'Ireland's Transition to a Low Carbon Energy Future''**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE



regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.

- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”*.
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”*.



- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on the reform of judicial review of strategic infrastructure projects covered in the media.
- The White Paper is public record - <https://www.dccae.gov.ie/en-ie/energy/publications/Documents/2/Energy%20White%20Paper%20-%20Dec%202015.pdf>

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

## **Record 29 - Memo for Government - 'Signature of the Paris Agreement to the United Nations Framework Convention on Climate Change by the Government of Ireland'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the

administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.

- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions*”.
  - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised*”.
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than

five years before the request was received. This therefore envisages the withholding of records less than 5 years old.

- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

**Record 30 - Memo for Government - 'Formal Request to relevant Ministers to submit sectoral climate mitigation measures for inclusion in the National Mitigation Plan'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental*



*matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*

- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.

- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

**Record 31 - Memo for Government - 'Ratification by the European Union of the Paris Agreement ahead of its Member States'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;



- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-*



*disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*

- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

**Record 32 - Memo for Government - 'Ratification of the Paris Agreement to the United Nations Framework Convention on Climate Change by the Government of Ireland'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE

regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.

- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in *Attorney General v Hamilton* made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the *Attorney General v Hamilton*:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions*”.
  - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised*”.



- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

**Record 33 - Memo for Government - 'Review of the Wind Energy Development Guidelines 2006'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter

stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.

- As the judgement in *Attorney General v Hamilton* made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the *Attorney General v Hamilton*:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions*”.
  - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised*”.
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.



- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

#### **Record 34 - Memo for Government - 'Reform of European Union Emissions Trading System (ETS)**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*

- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in *Attorney General v Hamilton* made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could

undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:

- *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*
- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and



that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

**Record 35 - Memo for Government - 'Approval of a Public Sector Energy Efficiency Strategy 2017-2020'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”*.

- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.
- The Strategy is public record -  
<https://www.dccae.gov.ie/documents/Public%20Sector%20Energy%20Efficiency%20Strategy.pdf>

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.



In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

**Record 36 - Memo for Government - 'Proposal to the Government to advance action in support of the National Aviation Policy for Ireland - Report of the National Civil Aviation Development Forum'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the

AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.

- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions*”.
  - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings*

*the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*

- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.
- The Report is public record -  
<http://www.dttas.ie/sites/default/files/content/aviation/English/general/National%20Civil%20Aviation%20Development%20Forum/ncadf-report-minister-ttas-and-government-2016-advance-action-support-national-aviation-policy.pdf>

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken



article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

### **Record 37 - Memo for Government - 'National Dialogue on Climate Action (NDCA)'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the

Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.

- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”*.
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”*.
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in

section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.

- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

### **Record 38 - Memo for Government - 'Publication of Draft National Mitigation Plan for Public Consultation'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:



- *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.

- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate “*full, free and frank discussion between members of the Government prior to the making of decisions*”.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - “*The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions*”.
  - “*It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised*”.
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest

would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government's views on the reform of judicial review of strategic infrastructure projects covered in the media.

- The NMP is in the public domain -  
<https://www.dccae.gov.ie/documents/National%20Mitigation%20Plan%202017.pdf>
- The Appendices are public record
  - <https://www.dccae.gov.ie/documents/SEA%20Statement%20July%202017.pdf>
  - <https://www.dccae.gov.ie/documents/DCCAE-Natura-Impact-Statement.pdf>

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

**Record 39 - Memo for Government - 'Committee Stage Amendments to Private Members' Bill Prohibition of the Exploration and Extraction of Onshore Petroleum Bill 2016'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental*



*matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*

- *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;
- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.

- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*
  - *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.

#### **Record 40 - Memo for Government - 'Publication of Draft National Mitigation Plan'**

In my view a number of factors in favour of release of this record should be considered including:

- The aims of the AIE Directive 2003/4/EC as reflected in the recitals:
  - *“Increased public access to environmental information and the dissemination of such information contribute to greater public awareness of environmental matters, a free exchange of views, more effective participation by the public in environmental decision-making and, eventually, to a better environment”.*
  - *“The right to information means that the disclosure of information should be the general rule and that public authorities should be permitted to refuse a request for environmental information in specific and clearly defined cases. Grounds for refusal should be interpreted in a restrictive way...”*
- The need for openness and transparency about how the Government does its work on particular issues, so that decisions made by the Government can be explained and justified to the public at large who are affected by such decisions;



- The release to the public of Cabinet discussions about environmental information can shed light on the factors taken into account by the Government when making decisions;

Conversely, the factors against release of this record that should be taken into account are as follows:

- The Memorandum for the Government as well as the Cabinet discussions included within it comprise the internal communications of a public authority. Article 4 of the AIE Directive 2003/4/EC, which has been transposed into Irish law under the AIE regulations, provides that an AIE request may be refused where it concerns internal communications, taking into account the public interest.
- In 1997, the people of Ireland voted to approve the seventeenth amendment of the Constitution which provided that the confidentiality of discussions at meetings of the Government would be respected save only where the High Court, in certain specified circumstances, determines that disclosure should be made i.e. in the interests of the administration of justice by a Court, or by virtue of an overriding public interest, pursuant to an application in that behalf by a tribunal appointed by the Government or a Minister of the Government on the authority of the Oireachtas to inquire into a matter stated by them to be of public importance. The seventeenth amendment is now reflected in article 28.4.3 of the Constitution.
- As the judgement in Attorney General v Hamilton made clear, the protection afforded by article 28.4.3 is to facilitate *“full, free and frank discussion between members of the Government prior to the making of decisions”*.
- Under article 28.4.2 of the Constitution the Government meets and acts as a collective authority and is collectively responsible for the Departments of State administered by the members of the Government. If details of Cabinet discussions are released it could undermine the collective authority of the Government if it were shown that Ministers had opposing views about topics before Government decisions were made. As stated in the Attorney General v Hamilton:
  - *“The obligation to act collectively must, of necessity, involve the making of a single decision on any issue, whether it is arrived at unanimously or by a majority. The obligation to accept collective responsibility for decisions and, presumably, for acts of government as well, involves, as a necessity, the non-*

*disclosure of different or dissenting views held by the members of the Government prior to the making of decisions”.*

- *“It is clear from the very nature of the collective responsibility of the Government that discussions among its members at their formal meetings must be confidential otherwise its decisions are liable to be fatally weakened by disclosure of dissenting views..... If it were permissible to compel in any circumstances the disclosure of the content of discussions which take place at Government meetings the Executive role of the Government as envisaged by the Constitution would be undermined perhaps even de-stabilised”.*
- To protect the exercise of collective responsibility a moratorium on the release of Cabinet records is required as this gives Ministers the assurance that they require to commit views freely to the record and not have those views divulged in a relatively short period of time. This principle is reflected in the provision the Oireachtas made in section 28(3)(b) of the Freedom of Information Act 2014 which does not allow for the refusal of access to records relating to a decision of the Government made more than five years before the request was received. This therefore envisages the withholding of records less than 5 years old.
- Whether the Memorandum for the Government including the Cabinet discussions in question in this record add significantly to already publicly available information on the reform of judicial review of strategic infrastructure projects, such that the public interest would be best served by disclosure. I note there is already a substantial amount of material in the public domain regarding the Government’s views on the reform of judicial review of strategic infrastructure projects covered in the media.

Having fully considered the factors for and against disclosure stated above, I consider that the public interest in withholding this record outweighs the public interest in its disclosure and that the request for this record should be refused under articles 8 (b) and 9 (2) (d) of the regulations.

In reaching this view, I have also taken into account the requirements of Article 10 (3) to consider each record on an individual basis and weigh the public interest served by disclosure against the public interest served by refusal.

In addition, I have considered article 10 (4) of the regulations to interpret the request on a restrictive basis having regard to the public interest served by disclosure and I have taken article 10 (5) of the regulations into account. I have also taken account that this record has been created over the past five years.



### **Schedule of Records**

**AIE Request** – all records submitted to the Government by Ministers which concern Ireland's green house gas emissions. (Right to Know)

	<b>Description</b>	<b>Date</b>	<b>Release</b>	<b>Basis of refusal</b>
1	Memo for Government - '2011 & 2012 Special and Commemorative Stamp Programmes'	10/01/11	Part - release	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.
2	Memo for Government - 'Ireland's National Reform Programme (NRP) under the Europe 2020 Strategy'	11/04/11	Part - release	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.
3	Memo for the Information of Government - 'Ireland's National Reform Programme (NRP) under the Europe 2020 Strategy'	16/04/12	Part - release	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.  NRP Update is public record - <a href="https://ec.europa.eu/info/sites/info/files/file_import/nrp2012_ireland_en_0.pdf">https://ec.europa.eu/info/sites/info/files/file_import/nrp2012_ireland_en_0.pdf</a>
4	Memo for the Information of Government - 'Renewable Energy Strategy 2012-2020'	11/05/12	Part - release	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.  Renewable Energy Strategy is public record - <a href="https://www.teagasc.ie/media/website/crops/crops/RenewableEnergy_Strategy2012-2020.pdf">https://www.teagasc.ie/media/website/crops/crops/RenewableEnergy_Strategy2012-2020.pdf</a>
5	Memo for Government - 'Annual Report of NESDO and Review of NESDO and NESC'	16/07/12	Part - release	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.

6	Memo for Government - 'Towards a New Climate Policy: Interim Report of the NESC Secretariat'	24/09/12	Part - release	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Much of the material is outside the scope of the request.</p> <p>NESC Report is public record - <a href="http://files.nesc.ie/nesc_secretariat_papers/No_3_Towards_a_New_National_Climate_Policy.pdf">http://files.nesc.ie/nesc_secretariat_papers/No_3_Towards_a_New_National_Climate_Policy.pdf</a></p>
7	Memo for Government - 'Environmental Protection Agency Annual Report & Accounts 2011'	01/11/12	Part - release	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Much of the material is outside the scope of the request.</p> <p>EPA report is public record - <a href="https://www.epa.ie/pubs/reports/other/corporate/EPA_Annual_Report_202011_LR.pdf">https://www.epa.ie/pubs/reports/other/corporate/EPA_Annual_Report_202011_LR.pdf</a></p>
8	Memo for Government - 'National Energy Efficiency Action Plan 2'	09/11/12	Part - release	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Much of the material is outside the scope of the request.</p> <p>Action Plan is public record - <a href="https://www.dccae.gov.ie/documents/NEEAP%202.pdf">https://www.dccae.gov.ie/documents/NEEAP%202.pdf</a></p>
9	Memo for Government - 'National Climate Change Adaptation Framework'	14/12/12	Part - release	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Much of the material is outside the scope of the request.</p> <p>Framework is public record - <a href="https://www.dccae.gov.ie/documents/National%20Climate%20Change%20Adaptation%20Framework.pdf">https://www.dccae.gov.ie/documents/National%20Climate%20Change%20Adaptation%20Framework.pdf</a></p>
10	Memo for Government - 'National Low Carbon Development Bill 2013'	17/12/12	Part - release	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p>

				<p>Much of the material is outside the scope of the request.</p> <p>General Scheme Of a Climate Action and Low Carbon Development Bill is in the public domain - <a href="https://www.oireachtas.ie/en/bills/bill/2015/2/">https://www.oireachtas.ie/en/bills/bill/2015/2/</a></p>
11	Memo for Government - 'Dáil Private Members' Bill 8 February 2013 - Energy Security and Climate Change Bill 2012'	05/02/13	Part granted	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Much of the material is outside the scope of the request.</p> <p>General Scheme Of a Climate Action and Low Carbon Development Bill is in the public domain - <a href="https://www.oireachtas.ie/en/bills/bill/2015/2/">https://www.oireachtas.ie/en/bills/bill/2015/2/</a></p>
12	Memo for Government - 'Climate Action and Low Carbon Development Bill 2013'	20/02/13	Part - release	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Much of the material is outside the scope of the request.</p>
13	Memo for the Information of Government - 'Ireland's National Reform Programme (NRP) under the Europe 2020 Strategy'	19/04/13	Part - release	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Much of the material is outside the scope of the request.</p> <p>NRP Update is public record - <a href="https://ec.europa.eu/info/sites/info/files/file_import/prgprep2013_ireland_en_0.pdf">https://ec.europa.eu/info/sites/info/files/file_import/prgprep2013_ireland_en_0.pdf</a></p>
14	Memo for the Information of Government - 'Energy Efficiency Measures'	10/05/13	Part - release	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Out of Scope</p>
15	Memo for the Information of Government - 'EPA Annual Report and Accounts 2012'	13/11/13	Withheld	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Much of the material is outside the scope of the request.</p>



				EPA report is public record - <a href="http://www.epa.ie/pubs/reports/other/corporate/EPA_AnnualReport2013_Eng_Accessible.pdf">http://www.epa.ie/pubs/reports/other/corporate/EPA_AnnualReport2013_Eng_Accessible.pdf</a>
16	Memo for Government - 'National Climate Policy Development'	13/12/13	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations
17	Memo for Government - 'Offshore Renewable Energy Development Plan'	24/01/14	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.  Development Plan is public record - <a href="https://www.dccae.gov.ie/documents/20140204%20DCENR%20-%20Offshore%20Renewable%20Energy%20Development%20Plan.pdf">https://www.dccae.gov.ie/documents/20140204%20DCENR%20-%20Offshore%20Renewable%20Energy%20Development%20Plan.pdf</a>
18	Memo for Government - 'Proposed EU policy framework for climate and energy in the period from 2020 to 2030'	25/02/14	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.
19	Memo for Government - 'Ireland's National Reform Programme 2014'	14/04/14	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.  NRP is public record - <a href="https://ec.europa.eu/info/sites/info/files/file_import/nrp2014_ireland_en_0.pdf">https://ec.europa.eu/info/sites/info/files/file_import/nrp2014_ireland_en_0.pdf</a>
20	Memo for Government - 'National Climate Policy Position and Heads of Climate Action and Low-Carbon Development Bill'	16/04/14	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Out of Scope
21	Memo for Government - 'National Energy Efficiency Action Plan (NEEAP)'	16/05/14	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations

				<p>Much of the material is outside the scope of the request.</p> <p>Action Plan and Appendices are public record - <a href="https://www.dccae.gov.ie/en-ie/energy/topics/Energy-Efficiency/national-energy-efficiency-action-plan-(neeap)/Pages/National-Energy-Efficiency-Action-Plan-(NEEAP).aspx">https://www.dccae.gov.ie/en-ie/energy/topics/Energy-Efficiency/national-energy-efficiency-action-plan-(neeap)/Pages/National-Energy-Efficiency-Action-Plan-(NEEAP).aspx</a></p> <p>Towards Nearly Zero Energy Buildings in Ireland: Planning for 2020 and Beyond - <a href="https://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/BuildingStandards/FileDownload,42487,en.pdf">https://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/BuildingStandards/FileDownload,42487,en.pdf</a></p>
22	Memo for Government - 'Climate Action and Low Carbon Development Bill 2015'	09/01/15	Withheld	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Much of the material is outside the scope of the request.</p>
23	Memo for the Information of Government - 'European Structural & Investment Funds'	09/01/15	Withheld	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Out of Scope</p>
24	Memo for Government - 'EU Climate and energy Negotiations & Development of National Climate and Energy Technical Infrastructure Capacity'	25/05/15	Withheld	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Much of the material is outside the scope of the request.</p>
25	Memo for Government - 'Amendments to the Climate Action and Low Carbon Development Bill 2015'	29/06/15	Withheld	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Much of the material is outside the scope of the request.</p>
26	Memo for Government - 'Amendments to the Climate Action and Low Carbon Development Bill 2015'	09/11/15	Withheld	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p>

				Much of the material is outside the scope of the request.
27	Memo for Government - 'EU2030 Climate and Energy Framework Negotiations'	23/11/15	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.
28	Memo for Government - 'Publication of a White Paper on energy Policy entitled 'Ireland's Transition to a Low Carbon Energy Future''	04/12/15	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.  White Paper is public record - <a href="https://www.dccae.gov.ie/en-ie/energy/publications/Documents/2/Energy%20White%20Paper%20-%20Dec%202015.pdf">https://www.dccae.gov.ie/en-ie/energy/publications/Documents/2/Energy%20White%20Paper%20-%20Dec%202015.pdf</a>
29	Memo for Government - 'Signature of the Paris Agreement to the United Nations Framework Convention on Climate Change by the Government of Ireland'	13/04/16	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.
30	Memo for Government - 'Formal Request to relevant Ministers to submit sectoral climate mitigation measures for inclusion in the National Mitigation Plan'	11/07/16	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.
31	Memo for Government - 'Ratification by the European Union of the Paris Agreement ahead of its Member States'	26/09/16	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.
32	Memo for Government - 'Ratification of the Paris Agreement to the United Nations Framework Convention on Climate Change by the Government of Ireland'	17/10/16	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.
33	Memo for Government - 'Review of the Wind Energy Development Guidelines 2006'	07/12/16	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations



				Much of the material is outside the scope of the request.
34	Memo for Government - 'Reform of European Union Emissions Trading System (ETS)	12/12/16	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.
35	Memo for Government - 'Approval of a Public Sector Energy Efficiency Strategy 2017-2020'	13/12/16	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.  Strategy is public record - <a href="https://www.dccae.gov.ie/documents/Public%20Sector%20Energy%20Efficiency%20Strategy.pdf">https://www.dccae.gov.ie/documents/Public%20Sector%20Energy%20Efficiency%20Strategy.pdf</a>
36	Memo for Government - 'Proposal to the Government to advance action in support of the National Aviation Policy for Ireland - Report of the National Civil Aviation Development Forum'	30/01/17	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.  Report is public record - <a href="http://www.dttas.ie/sites/default/files/content/aviation/English/general/National%20Civil%20Aviation%20Development%20Forum/ncadf-report-minister-ttas-and-government-2016-advance-action-support-national-aviation-policy.pdf">http://www.dttas.ie/sites/default/files/content/aviation/English/general/National%20Civil%20Aviation%20Development%20Forum/ncadf-report-minister-ttas-and-government-2016-advance-action-support-national-aviation-policy.pdf</a>
37	Memo for Government - 'National Dialogue on Climate Action (NDCA)'	01/03/17	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.
38	Memo for Government - 'Publication of Draft National Mitigation Plan for Public Consultation'	06/03/17	Withheld	8 (b) and 9 (2) (d) of the AIE Regulations  Much of the material is outside the scope of the request.

				<p>NMP is in the public domain</p> <p>- <a href="https://www.dccae.gov.ie/documents/National%20Mitigation%20Plan%202017.pdf">https://www.dccae.gov.ie/documents/National%20Mitigation%20Plan%202017.pdf</a></p> <p>Appendices are public record</p> <p>- <a href="https://www.dccae.gov.ie/documents/SEA%20Statement%20July%202017.pdf">https://www.dccae.gov.ie/documents/SEA%20Statement%20July%202017.pdf</a></p> <p>- <a href="https://www.dccae.gov.ie/documents/DCCAE-Natura-Impact-Statement.pdf">https://www.dccae.gov.ie/documents/DCCAE-Natura-Impact-Statement.pdf</a></p>
39	Memo for Government - 'Committee Stage Amendments to Private Members' Bill Prohibition of the Exploration and Extraction of Onshore Petroleum Bill 2016'	07/04/17	Withheld	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Much of the material is outside the scope of the request.</p>
40	Memo for Government - 'Publication of Draft National Mitigation Plan'	23/06/17	Withheld	<p>8 (b) and 9 (2) (d) of the AIE Regulations</p> <p>Much of the material is outside the scope of the request.</p>



10/01/2011

**Ref:**

**Oifig an Aire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha**  
**Memorandum for the Government**  
**2011 & 2012 Special and Commemorative Stamp Programmes**

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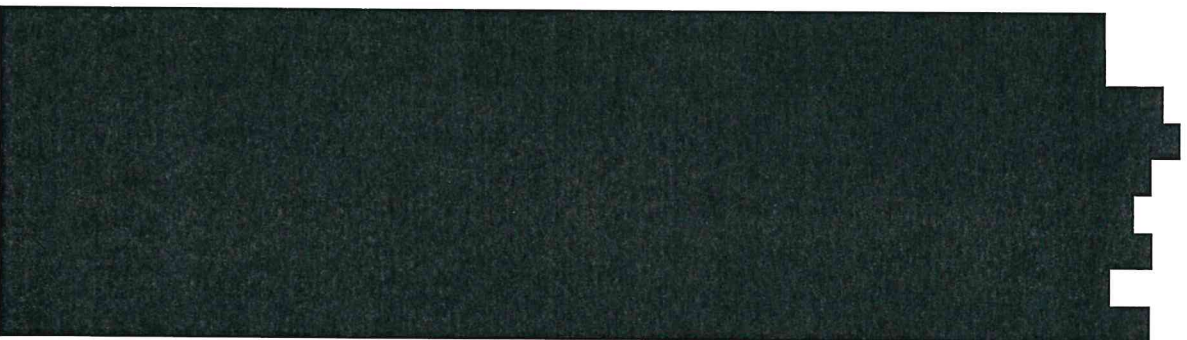
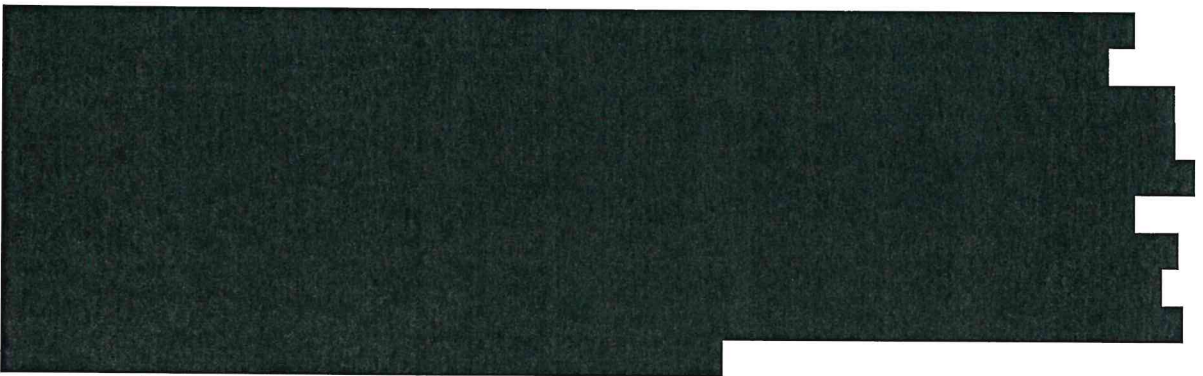
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*12. Renewable Energy Technologies (5 stamps to issue in August 2011)*

Renewable Energy is a term used to describe a wide range of naturally occurring replenishable energy sources. These include, in particular, sun, wind, water and a range of biomass resources. Their use reduces our greenhouse gas emissions, diversifies our energy supply and reduces our dependence on the unreliable and volatile fossil fuel market. The set

of 5 stamps, designed by Rose Design, features images of various renewable energy technologies: wind, hydro, solar, wave and biomass.





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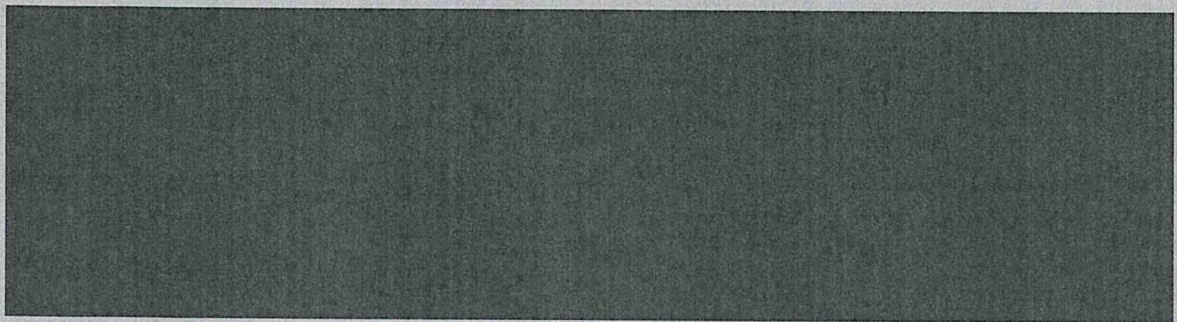
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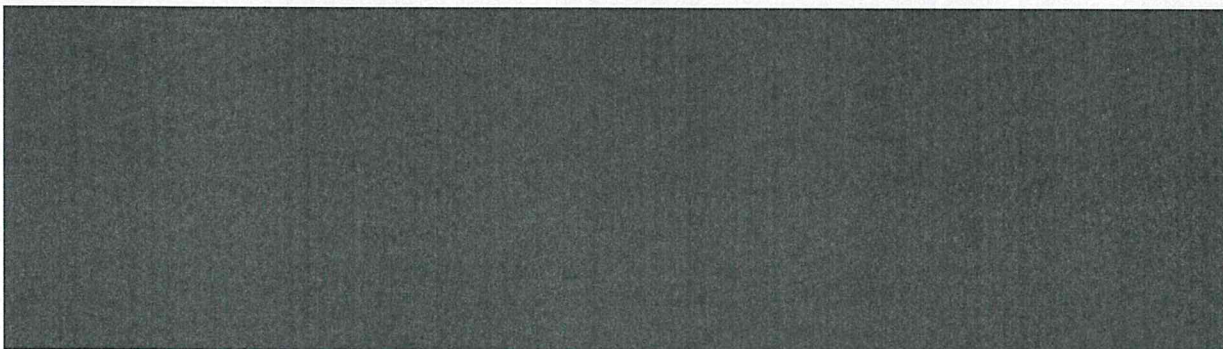
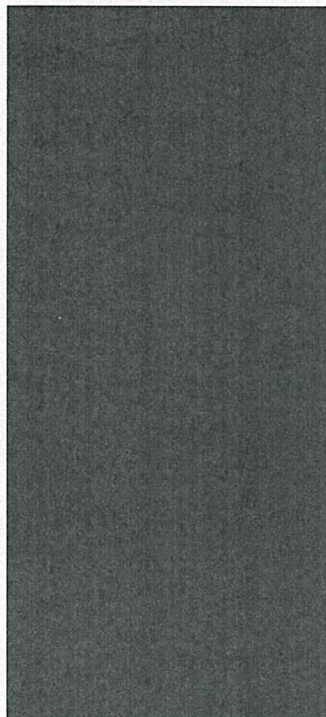
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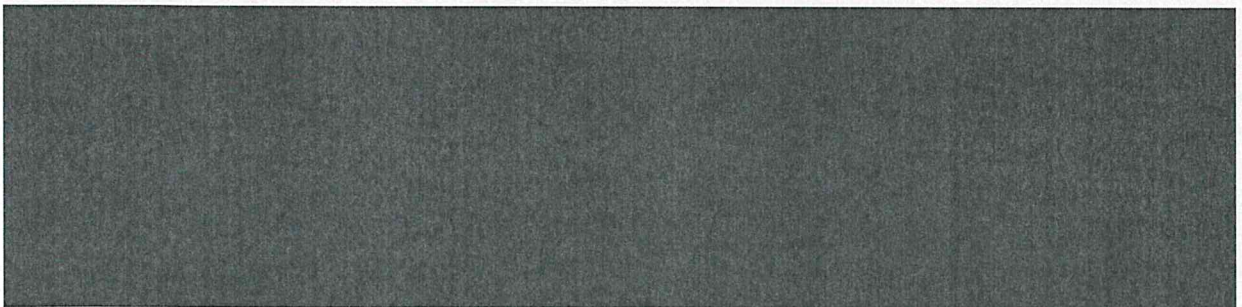
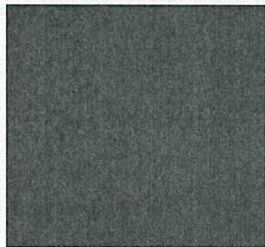
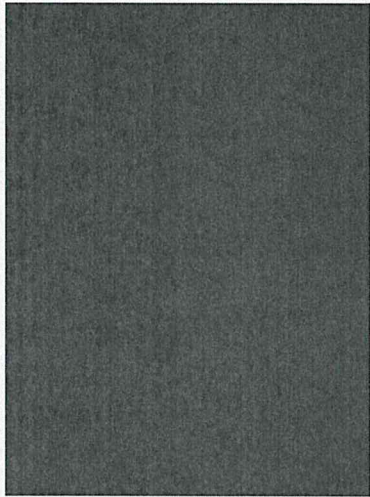
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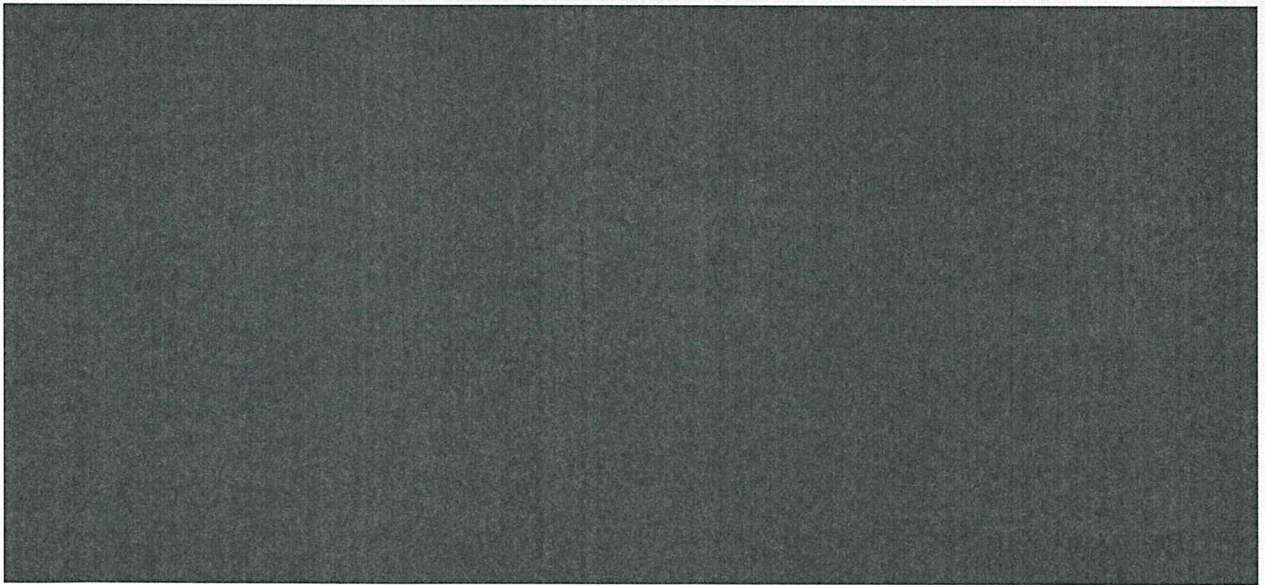
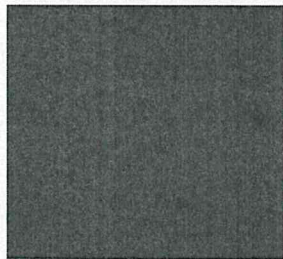
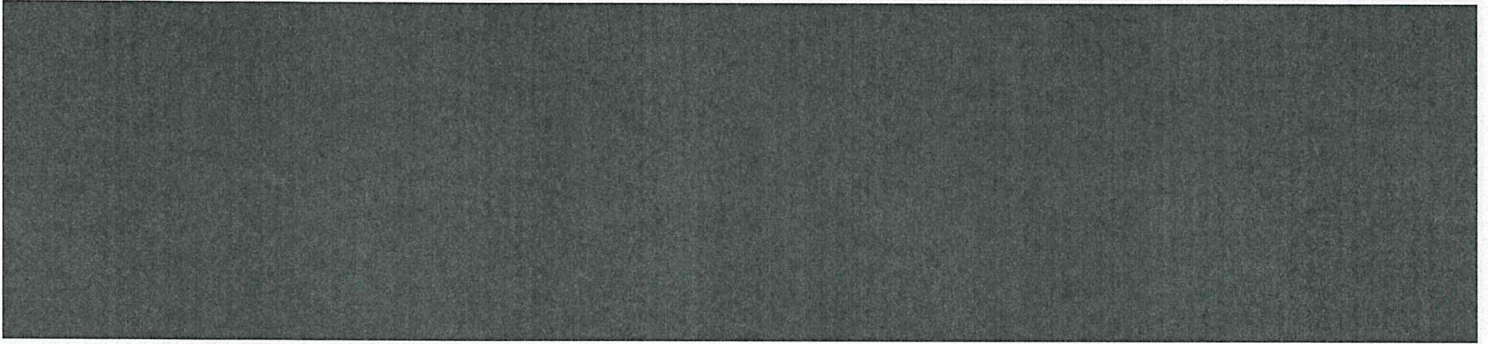
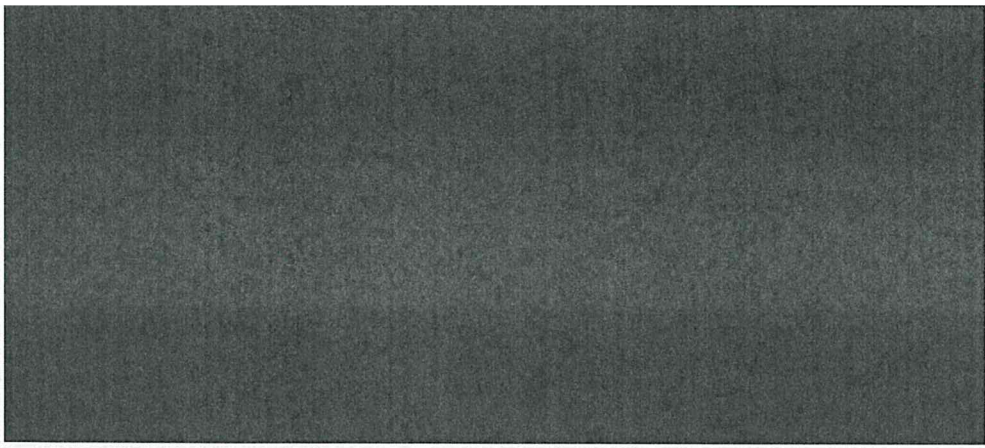
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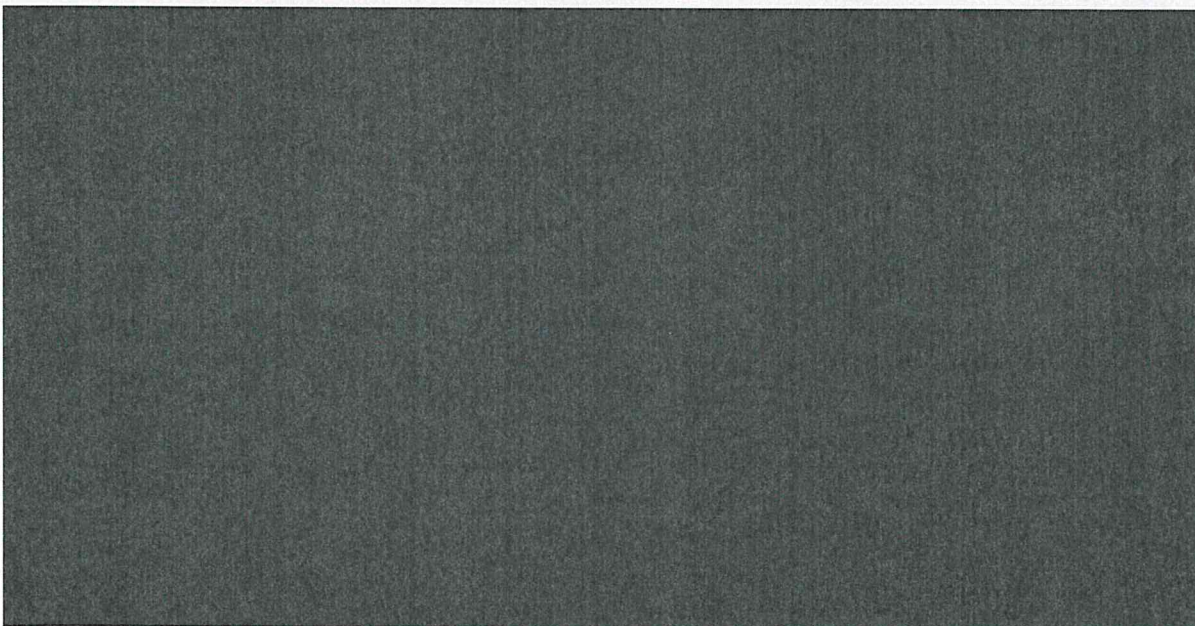
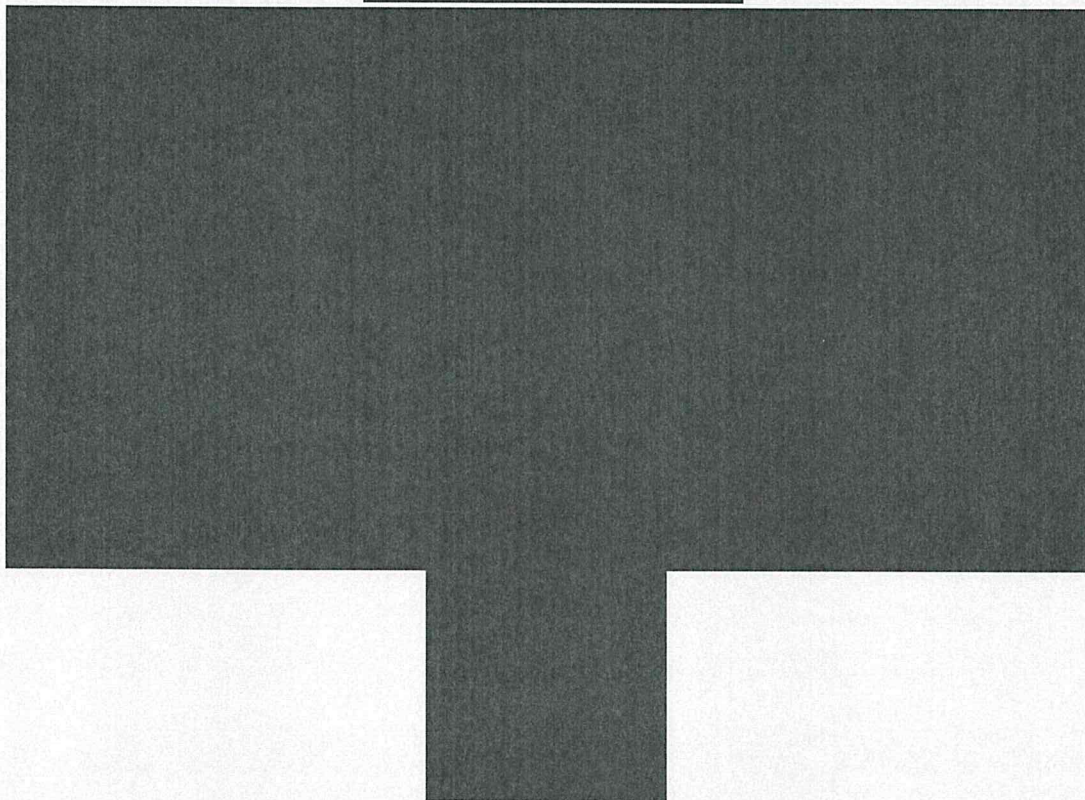
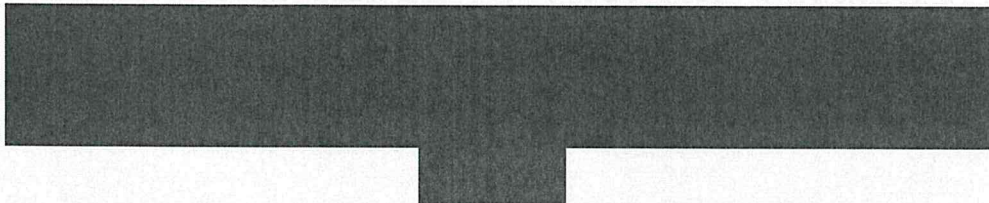
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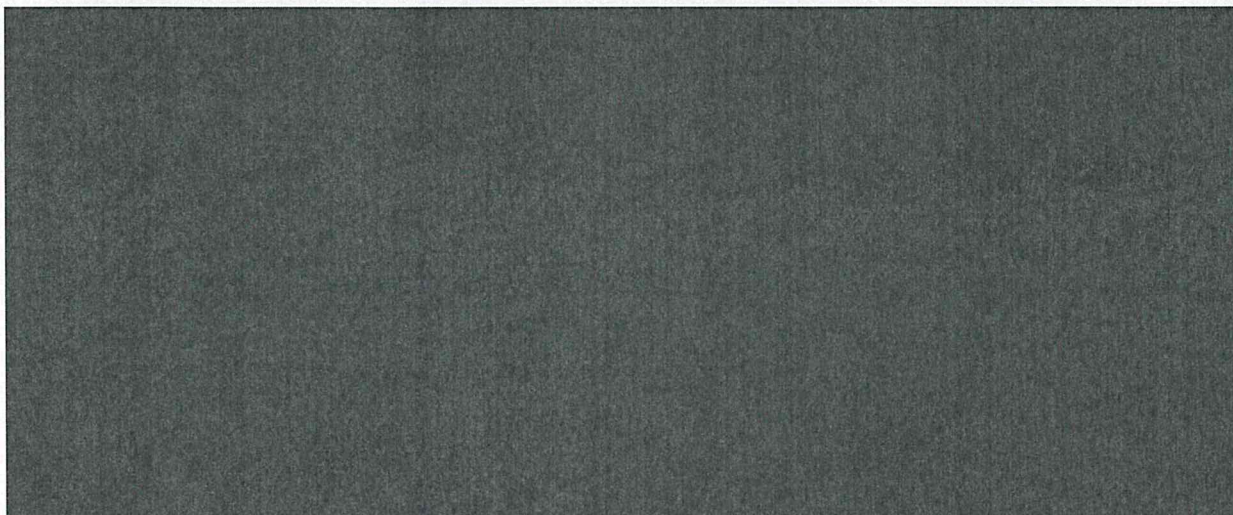
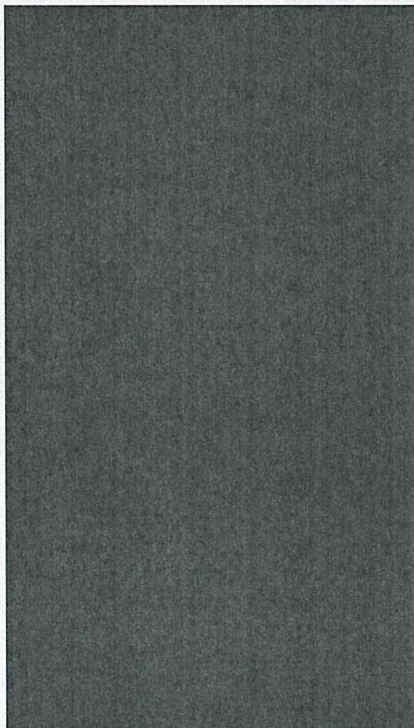
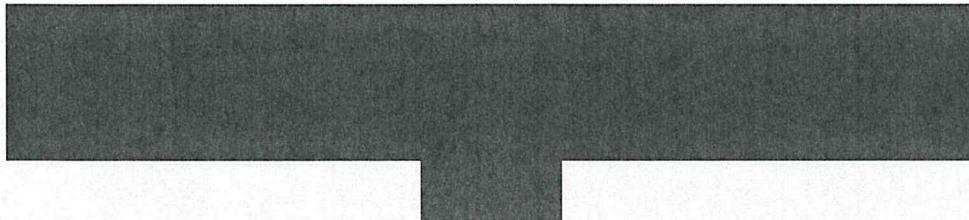














# COMMEMORATIVE STAMP PROGRAMME 2011

## TITLE

Renewable Energy Technologies  
(5 stamps)



## DATE OF ISSUE

5 August, 2011

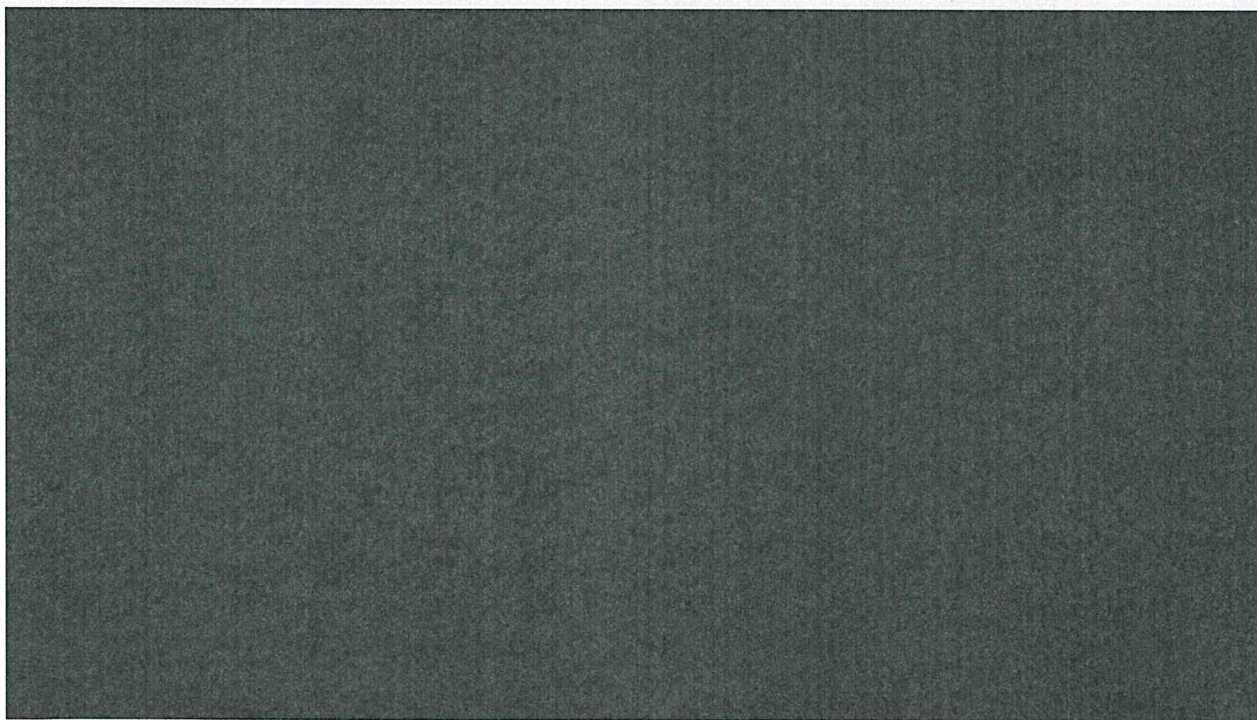
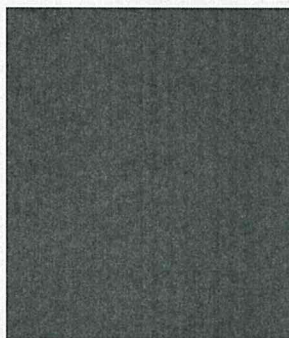
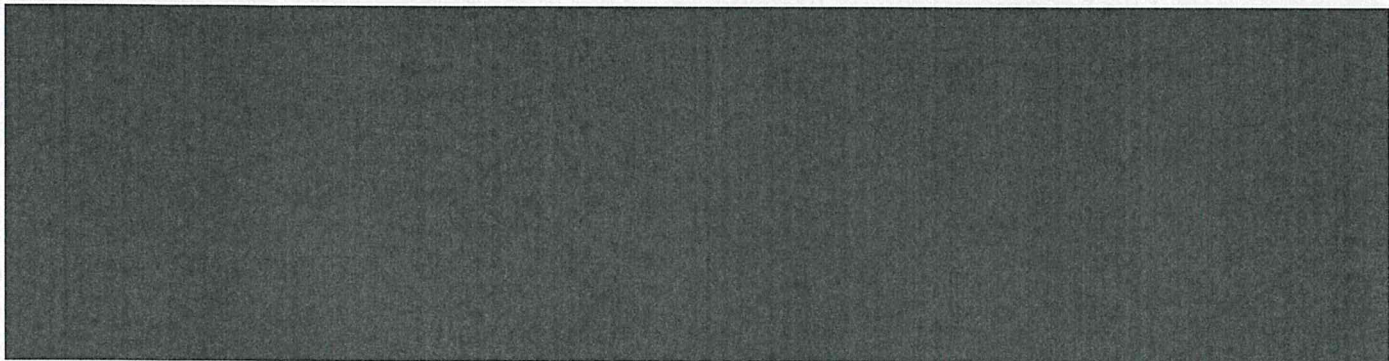
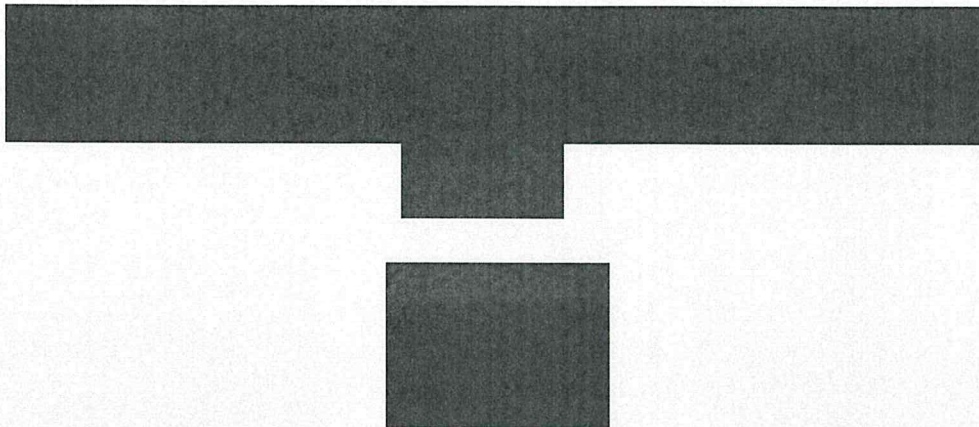
## DESIGNER

Rose Design

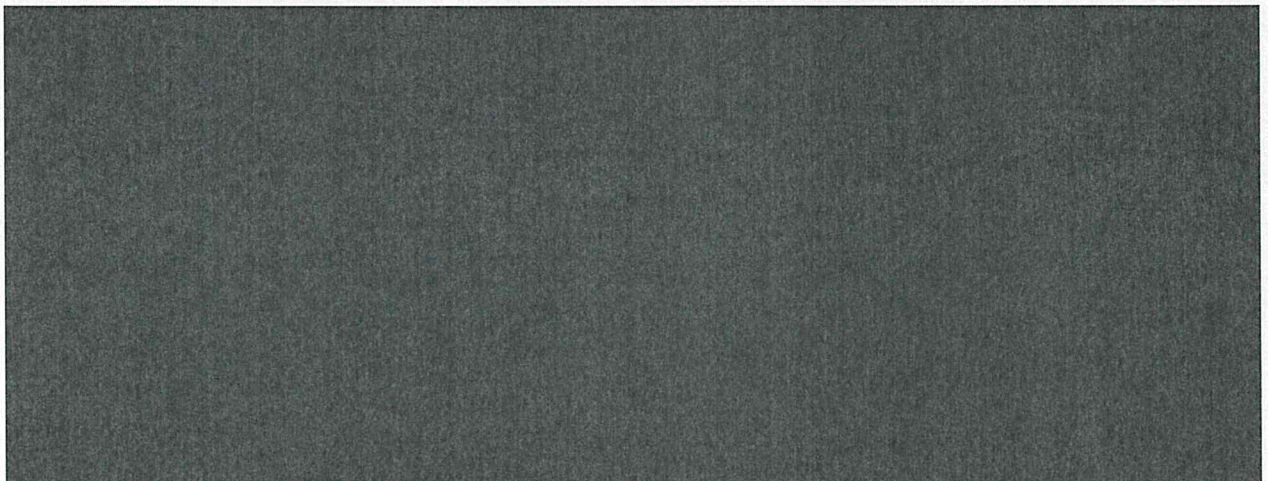
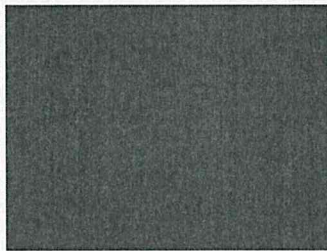
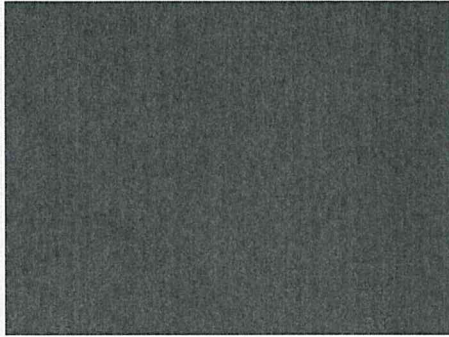
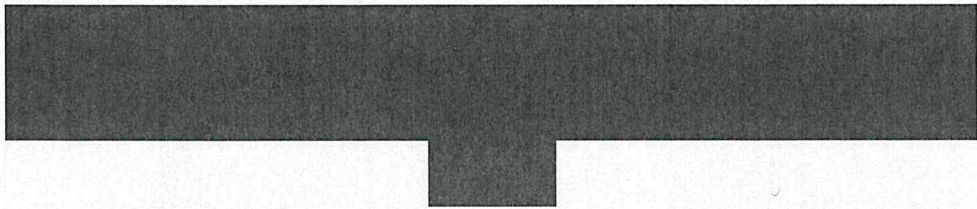
## DESIGN CONCEPT

Renewable Energy is a term used to describe a wide range of naturally occurring replenishable energy sources - in particular sun, wind, water and a range of biomass resources. Their use reduces our greenhouse gas emissions, diversifies our energy supply and reduces our dependence on unreliable and volatile fossil fuel market. The set of 5 stamps feature images of various renewable energy technologies: wind, hydro, solar, wave and biomass.

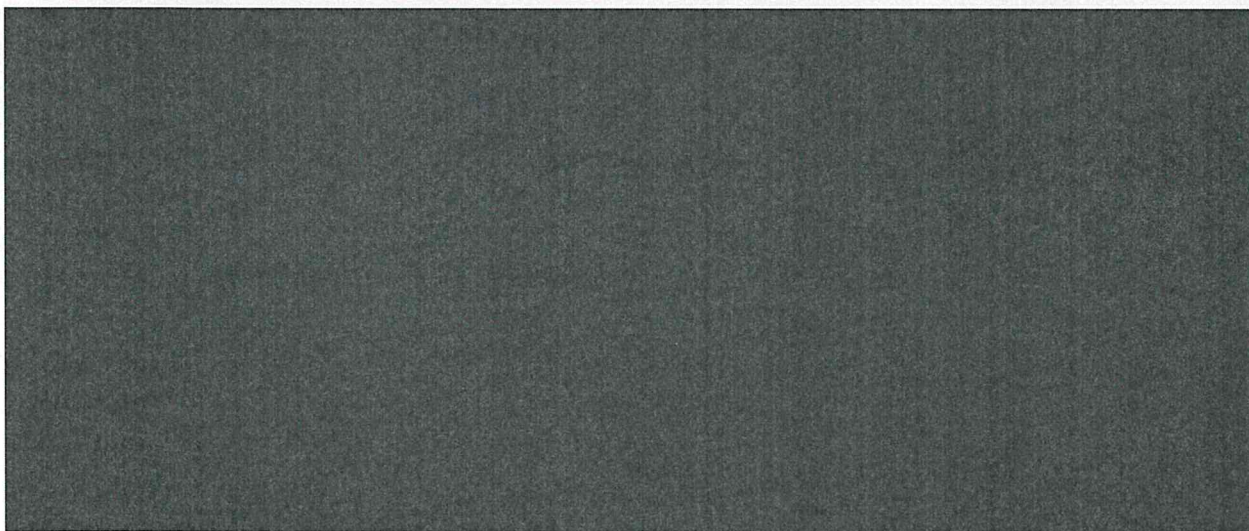
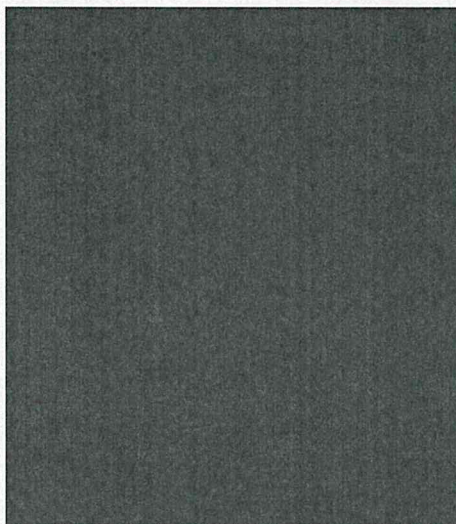
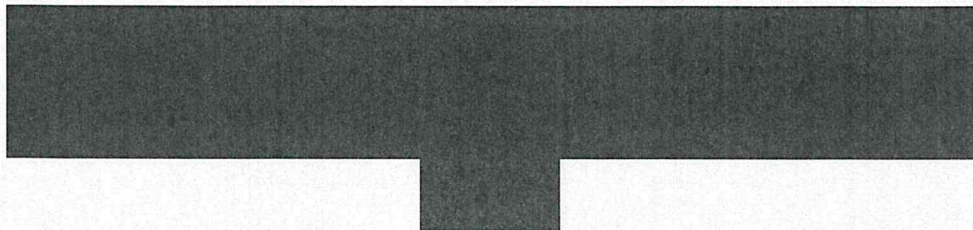




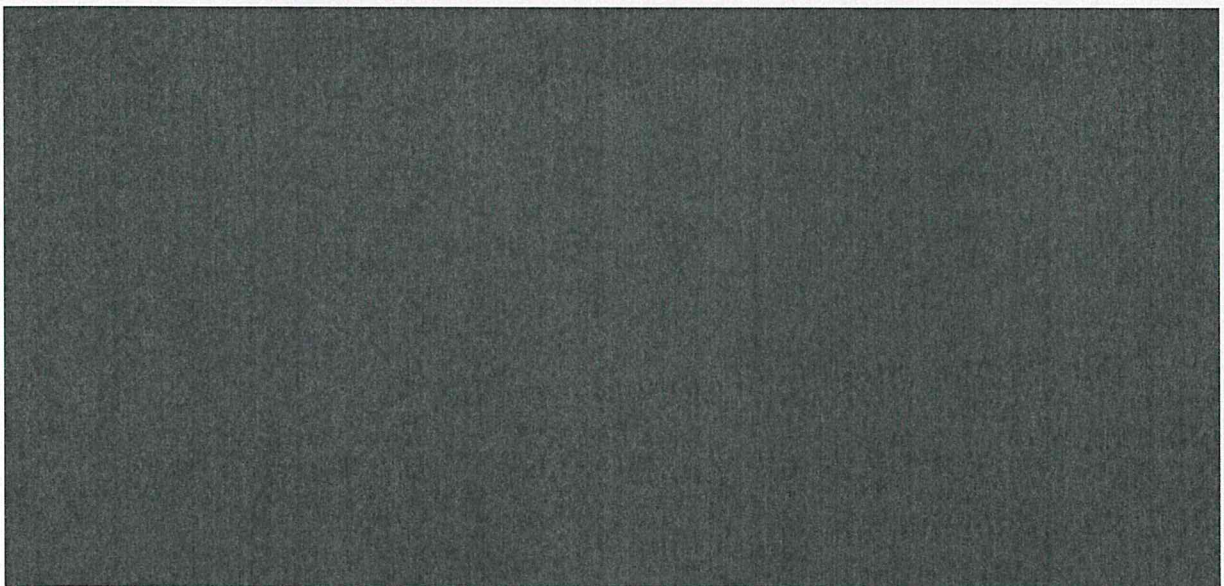
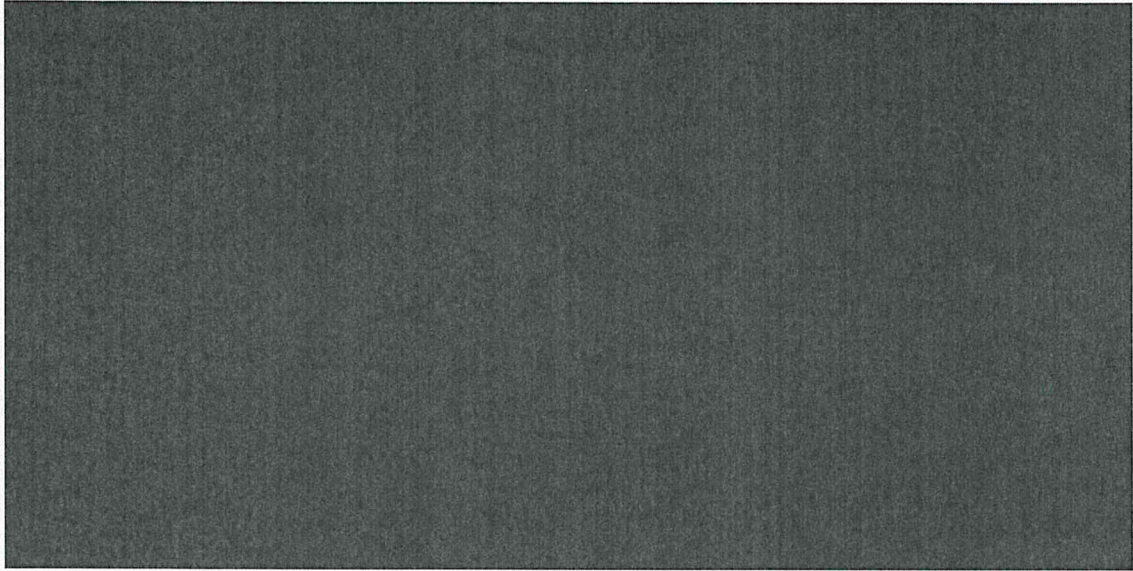
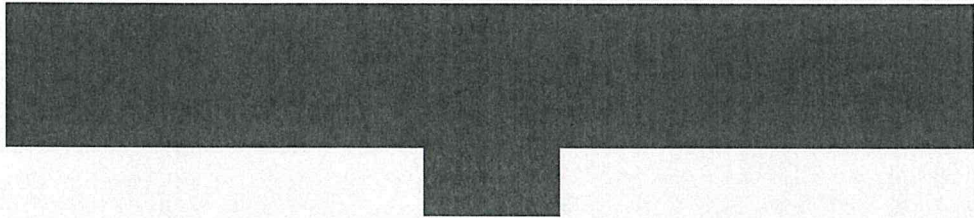




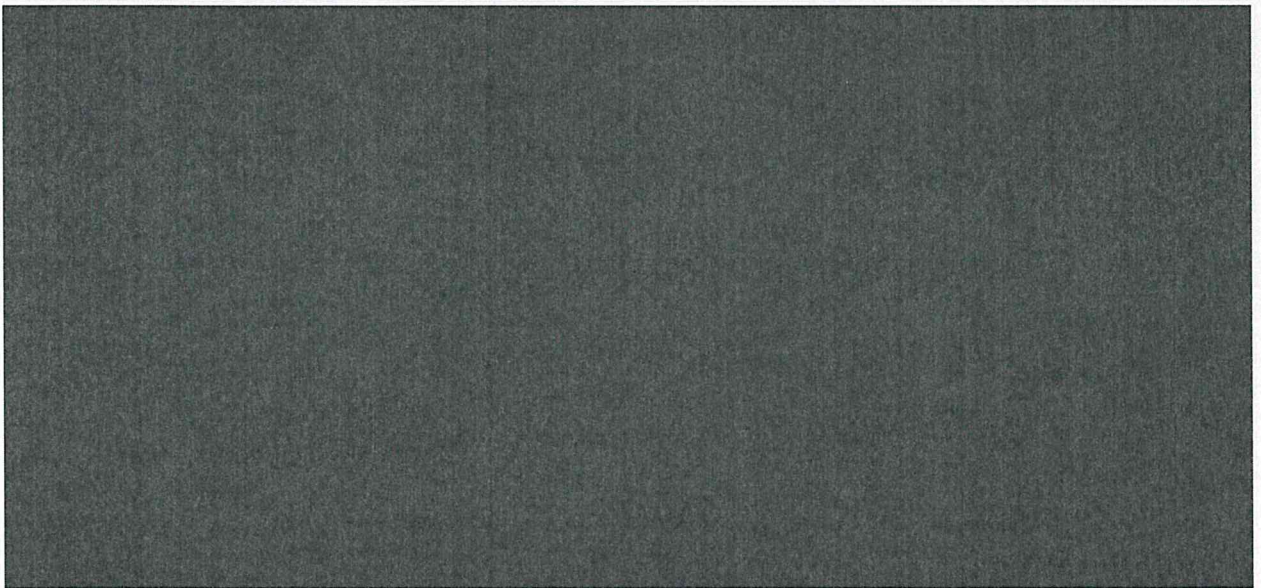
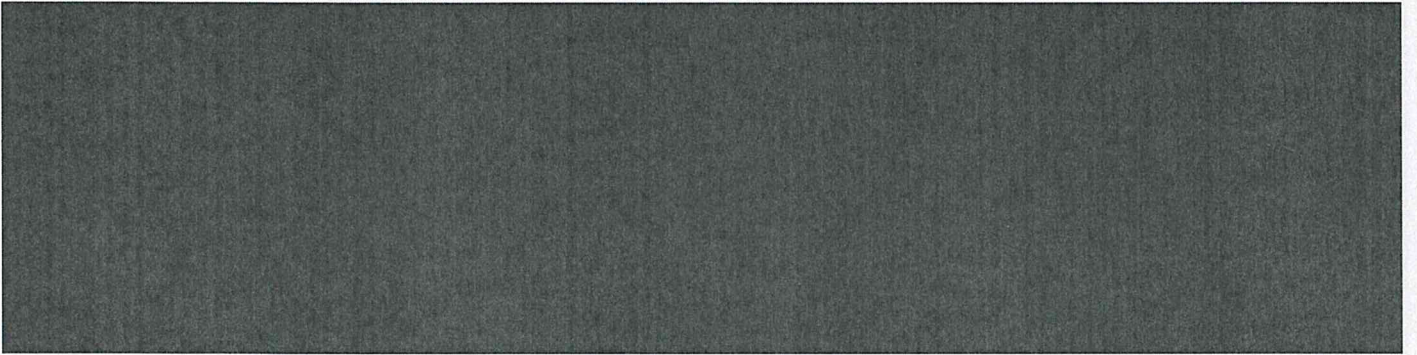
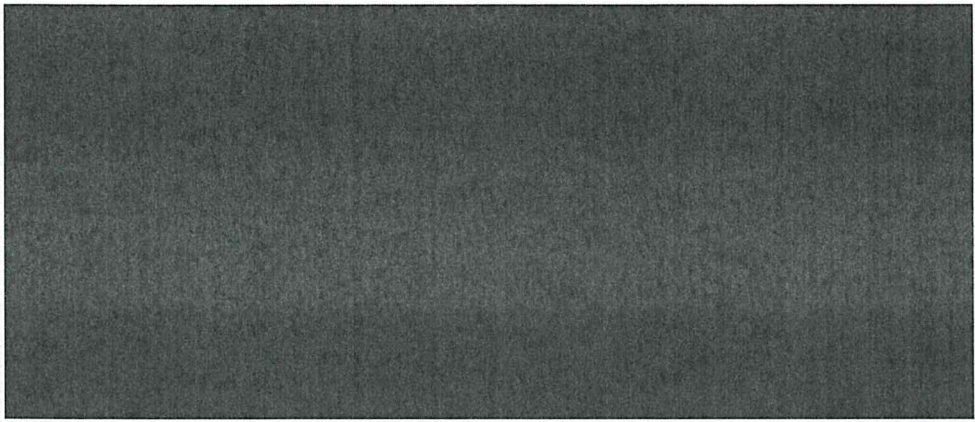














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### Background and Case Presentation

## Europe 2000

In March 2010, the European Council invited the European Commission to develop a proposal for a successor to the Lisbon Strategy for jobs and growth, which was adopted by the Council in

Director of the European Commission, Jean-Claude Juncker, said in his opening address to the 2010 Strategy in March 2010, "In that Communication, I announced that the Strategy should address the main challenges of the 21st century, including the pace change of pace since the 1990s, the need for a new growth strategy, the ageing population, climate change, energy and environment, and the need to be prepared for the challenges and opportunities of globalisation, and the need to ensure that the EU remains a strategic partner and not a bystander, and the need to ensure that the EU remains a global player, not a bystander, in the world."

1. **Identify the problem.** The first step in the problem-solving process is to identify the problem. This involves recognizing the symptoms of the problem and determining the underlying cause.

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### 3. Climate Change

*The EU Headline Target is to reduce greenhouse gas emissions by 20% compared to 1990 levels; increase the share of renewables in final energy consumption to 20%; and move towards a 20% increase in energy efficiency. (The EU is also committed to taking a decision to move to a 30% reduction in greenhouse gas emissions by 2020 compared to 1990 levels as its conditional offer with a view to a global and comprehensive agreement for the period beyond 2012, provided that other developed countries commit themselves to comparable emission reductions and that developing countries contribute adequately according to their responsibilities and respective capabilities.)*

**Ireland has existing commitments across all of these sub-targets which have already been agreed at EU level.** As such the NRP will be a reiteration of those commitments together with details of how they are to be achieved in an Irish context. The draft NRP provides details of how these objectives are currently being pursued through the key policy documents including the National Climate Change Strategy 2007-2012, the National Renewable Energy Action Plan and the National Energy Efficiency Action Plan.

The draft also refers to the significant difficulties which Ireland's targets present, particularly in the context of the extent of agriculture emissions as a proportion of total emissions under the 2008 Effort Sharing Decision.

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**Draft National Reform Programme**  
**For Ireland**  
**under the**  
**Europe 2020 Strategy**



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It is also possible that the high prevalence of PPH in the study population could be a result of the inclusion of women with a history of PPH in the study. However, the prevalence of PPH in the study population was not significantly different from the prevalence of PPH in the general population of women with a history of PPH.

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When the 1990s came, women's studies was not as much a new field as it once was. The field had become established, and it was time to move on. The 1990s were the heyday of the "new" fields, and women's studies was no exception. The 1990s were the heyday of the "new" fields, and women's studies was no exception. The 1990s were the heyday of the "new" fields, and women's studies was no exception.

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### 4.3 Target 3- Climate Change

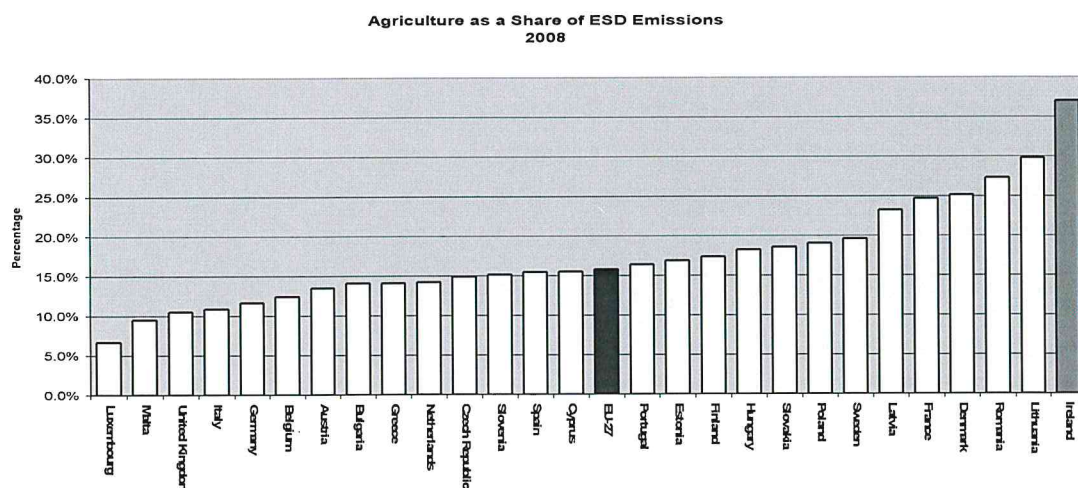
**EU Headline Target:** Reducing greenhouse gas emissions by 20% compared to 1990 levels; increasing the share of renewables in final energy consumption to 20%; and moving towards a 20% increase in energy efficiency; the EU is committed to taking a decision to move to a 30% reduction by 2020 compared to 1990 levels as its conditional offer with a view to a global and comprehensive agreement for the period beyond 2012, provided that other developed countries commit themselves to comparable emission reductions and that developing countries contribute adequately according to their responsibilities and respective capabilities.

**Ireland's Headline Target:** Reduce greenhouse gas emissions in the non-traded sector by 20% compared to 2005 levels; increase the share of renewables in final energy consumption to 16% by 2020; to move towards a 20% increase in energy efficiency.

#### Reducing Greenhouse Gas Emissions

Ireland will meet its EU emission limitation target for the purposes of the Kyoto Protocol on the basis of the response set out in the National Climate Change Strategy 2007-2012, and the policies and measures subsequently adopted by the Government. The fundamental principle of the strategy is domestic emission reductions (including participation by Irish installations in the EU Emissions Trading Scheme) supplemented as necessary by use of the flexible mechanisms provided for in the Kyoto Protocol. As Figure 4 clearly shows, Ireland's targets under 2008 Effort Sharing Decision are particularly difficult and present a unique climate policy challenge given the size of our agriculture sector and the total emission associated with that sector. Looking ahead, this will continue to present a challenge for Ireland given the importance of Ireland's agriculture sector for food production, economic growth and employment in rural areas.

Figure 4:



Source: European Environment Agency

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Among the measures introduced to date are the establishment of a robust structure for administration of the EU Emissions Trading Scheme in Ireland; the introduction (in 2007) of an annual carbon budgeting process, to enable the Dáil (national parliament) to review progress on mitigation and to engage in the introduction of further policies and measures; the restructuring in 2008 of vehicle registration tax and annual road tax on the basis of emissions rather than engine size; the adoption of an ambitious policy on *Smarter Travel, A Sustainable Transport Future* in 2009; and the introduction of a carbon tax on fossil fuels in 2009.

Beyond 2012 the Programme for Government includes a commitment to primary legislation on climate change which will provide certainty surrounding Government policy and a clear pathway for emission reductions in line with negotiated EU 2020 targets.

Ongoing and anticipated EU policy developments which are likely to impact on climate policy for 2020 and which will contribute to informing the preparation of national legislation and policy include: a 2050 EU climate policy roadmap (addressing the long-standing EU objective of reducing greenhouse gas emissions by at least 80% by 2050); the EU 'CAP towards 2020' agenda; the EU Green Paper on research and innovation funding; a revised EU Energy Efficiency Action Plan; the EU White Paper on transport and climate change; and an EU initiative on land use, land use change and forestry (LULUCF).

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#### **Delivering 20% energy savings in 2020**

Ireland has internalised the principle *energy efficiency first*, as energy efficiency is internationally recognised as the most cost effective means of reducing greenhouse gas emissions. Investments in energy efficiency help create and retain jobs, while providing an important outlet for innovation in the fledgling green tech sector. Ireland's energy policy framework contains a longstanding commitment to deliver 20% energy savings in 2020, with a more ambitious target of 33% for the public sector as part of a drive for Government to lead by example.

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### 3. Climate Change

Ireland's Headline Target is to reduce greenhouse gas emissions in the non-traded sector by 20% compared to 2005 levels; increase the share of renewables in final energy consumption to 16% by 2020; to move towards a 20% increase in energy efficiency.

Ireland has continued to make progress in achieving its 20-20-20 targets on greenhouse gas emissions, renewable energy and energy efficiency.

The NRP Update refers to existing commitments Ireland has in relation to climate change, as well as to various policy documents currently being implemented such as the National Climate Change Strategy 2007-12, the Renewable Energy Directive and related Action Plan and the National Energy Efficiency Action Plan.

Given the size of the Irish agriculture sector and the scale of emissions associated with it, Ireland's 2013-20 mitigation target under the 2008 EU Effort-Sharing Decision (ESD) presents a unique climate policy challenge. The NRP Update outlines the Review of National Climate Policy, currently ongoing, which is a precursor to the introduction of primary legislation on climate change.

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**National Reform Programme for Ireland  
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### Target 3- Climate Change

***Ireland's Headline Target: Reduce greenhouse gas emissions in the non-traded sector by 20% compared to 2005 levels; increase the share of renewables in final energy consumption to 16% by 2020; to move towards a 20% increase in energy efficiency.***

Ireland has continued to make progress in relation to its obligations under the Europe 2020 strategy of achieving 20-20-20 targets on greenhouse gas emissions, renewable energy and energy efficiency.

#### Climate Change

In relation to reducing greenhouse gas emissions, Ireland will meet its EU emission limitation target for the purposes of the Kyoto Protocol on the basis of the response set out in the National Climate Change Strategy 2007-2012. Given the size of the Irish agriculture sector and the scale of emission associated with it, Ireland's 2013-20 mitigation target under the 2008 EU Effort-Sharing Decision (ESD) presents a unique climate policy challenge. Ireland is committed to continued efforts to improve the carbon intensity of food production, including through research and collaboration.

The Programme for Government includes a commitment to introduce primary legislation on climate change, providing certainty in relation to national policy and a clear pathway for emission reductions in line with EU 2020 targets. Against this background, a comprehensive Review of National Climate Policy was issued in November 2011 and a programme for the development of national climate policy and legislation was issued in January 2012. A key element of the programme is an open consultation (open to all stakeholders, including the general public) on climate policy and legislation which was initiated in February and will run up to end April 2012. This reflects the Government's focus on transparency and inclusiveness in the policy and legislation development process.

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11/05/2012

Ref:

**Oifig an Aire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha**  
**Memorandum for the Information of the Government**  
**Renewable Energy Strategy 2012 - 2020**

[REDACTED]

[REDACTED]

**2. Background/Reason for Memorandum**

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Renewable energy reduces dependence on fossil fuels, improves security of supply and reduces greenhouse gas emissions, creating environmental benefits while delivering green jobs to the economy, thus contributing to national competitiveness. Climate change, energy security and competitiveness are inter related challenges that will be addressed through the transforming of Ireland's economy from one based on a predominantly import based fossil fuel dependence to a more indigenous low carbon economy based around energy efficiency, renewable energy and smart networks.

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16/07/2012

Ref: S130/34/03/0011A

**Oifig an Taoisigh**  
**Memorandum for the Government**  
**Annual Report of the National Economic and Social Development Office (NESDO) and Review of the National Economic and Social Development Office (NESDO) and the National Economic and Social Council (NESC)**

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**2. Background/Reason for Memorandum**

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**(ii) Review of the National Economic and Social Development Office (NESDO) and the National Economic and Social Council (NESC)**

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NESC's current work programme includes projects on climate change policy and quality and standards in human services in Ireland. The climate change project includes the development of potential policies and measures to reduce greenhouse gas emissions in agriculture, transport, heat in buildings and renewable energy supply; and, a basis for a national transition



to a low-carbon future by 2050. The quality and standards project is concerned with how regulation and standards can best contribute to good quality, continuously improving human services. It includes separate reports in a number of areas, i.e., eldercare, end-of-life care, disability, education and policing.

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**Ref:**

**Oifig an Aire Comhshaoil, Pobail agus Rialtais Áitiúil.**  
**Memorandum for the Government**  
**Towards a New National Climate Policy: Interim Report of the NESC**  
**Secretariat**

[illegible]

In releasing the Review of National Climate Policy on 3rd November 2011, the Minister announced a three-pronged response:

Downloaded from <http://ajph.org/> on November 10, 2015

b) the commissioning of an independent piece of analysis by the NESC Secretariat, to include – (i) a set of policies and measures to close the distance to greenhouse gas mitigation targets already in place, [REDACTED]

c) continued engagement across Government through the Cabinet Committee on Climate Change and the Green Economy, with a view to further progress on sectoral mitigation measures.



[REDACTED]

The mandate for the NESC Secretariat to carry out the required policy analysis was noted by Government on 25/10/2011 (Ref: S180/20/10/1517) a copy of the agreed Terms of Reference is at appendix 2. In accordance with the Terms of Reference and the policy development programme, the Secretariat submitted a comprehensive interim report at the end of June 2012. The primary focus of this interim report is the development of a set of potential policies and measures to close the distance to Ireland's greenhouse gas emission reduction target under Decision 406/2009/EC in the compliance period 2013-2020. In line with its mandate, the report presents a set of policy options for consideration by Government, rather than setting out definite recommendations. The second and final report from the Secretariat, which is due to be submitted by the end of 2012, will have a broader and longer-term focus on national transition to a resource efficient and competitive low-carbon future by 2050.

### **3. Interim report of the NESC Secretariat**


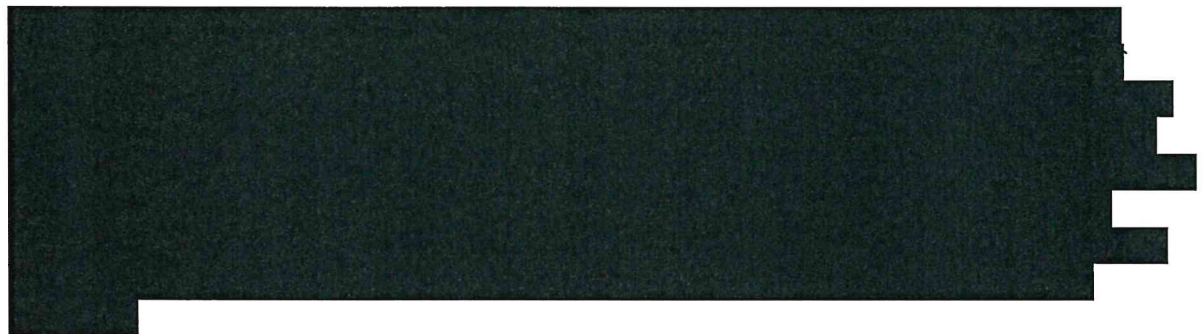
The Interim Report of the NESC Secretariat presents a detailed analysis and conclusions on key areas of greenhouse gas emissions, including the built environment, agriculture and transport. The interim report also addresses the role of taxation in the national mitigation agenda and the use of carbon credits for compliance with binding EU emission reduction targets. The report sets out a range of options for extending existing policy and measures, and introducing new policies and measures, to help meet Ireland's binding targets to 2020 for the reduction of greenhouse gas emissions.

[REDACTED]

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## **5. Government response to the interim report**



The objective will be to identify potential additional policies and measures for consideration and early adoption by Government, in the context of Budget 2013 or otherwise, with a view to progressing the national mitigation agenda and closing the distance to Ireland's Binding (under EU law) greenhouse gas reduction target for the period 2013-2020. According to the latest (April 2012) projections from the Environmental Protection Agency, based on policies and measures already in place, the cumulative distance to Ireland's 2013-2020 reduction targets in respect of greenhouse gas emissions not covered by the EU Emissions Trading Scheme currently stands at 20.6 million tonnes of carbon dioxide equivalent and 7.8 million tonnes of carbon dioxide equivalent in the year 2020 alone. To put this figure in perspective, it is on a par with total greenhouse gas emissions from the residential sector in Ireland in 2010 or approximately 12.7% of gross emissions in 2010.



Should Ireland reach its targets in the areas of Renewable Energy and Energy Efficiency this gap will largely be closed but this may not be the case if there is a stronger than expected economic recovery, or should there be unanticipated changes to Ireland's emissions profile over the coming years.

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## **National Climate Policy**

**Independent analysis to be undertaken by the Secretariat to the National Economic and Social Council for the purpose of informing further policy development**

### **Terms of Reference**

[REDACTED]

[REDACTED]

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[REDACTED]

### **Scope**

The required analysis shall address two central, interrelated tasks, specifically:

- development of a set of potential policies and measures to close the distance to Ireland's greenhouse gas emission reduction target under Decision 406/2009/EC in the compliance period 2013-2020. The outline of the set of potential policies and measures should include identification and analysis of costs and benefits of major policies and measures and reference to relevant attitudinal and behavioural factors. This shall draw on work already completed by Government Departments and Agencies and other bodies, and address the costs of non-compliance.
- development of a basis for a long-term socio-economic vision to underpin effective national transition to a low-carbon future by 2050.



### Outcome

The outcome of the analysis to be undertaken by the Secretariat should provide the basis for the Minister for the Environment, Community and Local Government to coordinate, for consideration by Government, a coherent national direction on climate policy for the period 2013-2020 and onwards to 2050 – taking account of the policy direction at EU and wider-international level towards low-carbon development plans. This should include a range of specific policies and measures to –

- i. close the gap to the binding national target for 2020 in respect of the sectors of the economy not covered by the EU Emissions Trading Scheme (non-ETS sector), and
- ii. support achievement of the longer term requirement for deep reductions in greenhouse gas emissions across the economy in the period to 2050.

### Outputs

The analysis by the Secretariat shall be completed in two stages.

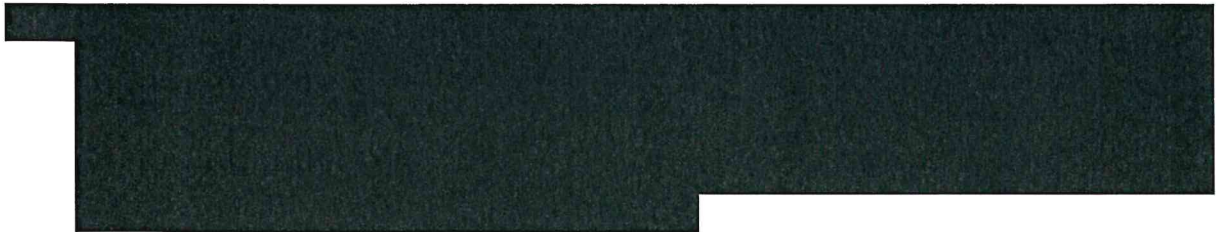
1. No later than end June 2012, the Secretariat shall submit a report setting out potential options for policies and measures to close the distance to Ireland's greenhouse gas emission reduction target under Decision 406/2009/EC in the compliance period 2013-2020, with identification and assessment of costs and benefits of major carbon reduction policies and measures, and reference to relevant attitudinal and behavioural factors. This shall draw on work already completed by Government Departments and Agencies and other bodies, and address the costs of non-compliance<sup>1</sup>.

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<sup>1</sup> Based on the 2011 Emissions Projections by the EPA, the current distance to target in 2020 is in the range of 4.1-8.8MtCO<sub>2</sub>e (Mega tonnes of Carbon Dioxide Equivalent). New projections will be published in April 2012.

Having regard to the fact that compliance with Decision 406/2009/EC must represent a significant step in the longer-term transition to a low-carbon future, the Secretariat may present this first report as an interim output pending completion of its full analysis on a longer-term vision for Ireland. In that event, the Secretariat shall, as a minimum, set out proposals for interim policies and measures relating to the non-ETS sector for consideration by Government in the short term.

In conducting its analysis, the Secretariat will be assisted by relevant Departments and Agencies through the provision of relevant information and ongoing input to the analysis.





# National Climate Policy

## Programme for the development of national climate policy and legislation

2012

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End June

NESC Secretariat to submit its interim report, which will focus on potential options for policies and measures to close the distance to Ireland's greenhouse gas emission reduction target under Decision 406/2009/EC in the compliance period 2013-2020.

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[REDACTED]

[REDACTED]

## **Draft Press Release**

### **Hogan announces another key milestone in the development of national climate policy**

[REDACTED]

Following the review of national climate policy in November 2011, the Government commissioned the independent analysis from the NESC Secretariat, which was requested to submit, by end June 2012, an interim report addressing policies and measures to close the distance to Ireland's greenhouse gas mitigation targets already in place for the period 2013-20.

[REDACTED]

Thanking the NESC Secretariat for their comprehensive report, Minister Hogan said "that it brought a complete and clear focus to both the significant greenhouse gas emission mitigation target which Ireland faces in the period to 2020, and the options to address both the challenges and opportunities of moving to a low-carbon future. The Government will now be giving careful consideration to the report".

[REDACTED]

[REDACTED]

[REDACTED] He [Minister Hogan] also confirmed that "progressing the national greenhouse gas mitigation agenda is a priority for Government on environmental and competitiveness grounds. [REDACTED]

[REDACTED]



Draft

September 2012

Mr. Ciarán Lynch, T.D.  
Chairman  
Oireachtas Joint Committee on the Environment, Culture  
and the Gaeltacht  
Houses of the Oireachtas  
Leinster House  
Kildare Street  
Dublin 2

**Re: interim report from the NESC Secretariat on future climate policy options**

Dear Chairman,



In order to ensure that we remain on track with the Programme, it would be helpful if the Committee could examine the report and revert to me with their views as early as possible. We face a major challenge in meeting Ireland's greenhouse gas emission reduction target in the period 2013-20, and in ensuring that the policies and measures we adopt contribute to the longer-term objective of an effective transition to a competitive, low-carbon economy. Progressing the national greenhouse gas mitigation agenda is therefore a priority and, in order to meet the end of year commitments in the policy development Programme, Government will commence developing its response to the interim report immediately. An early response from the Committee, perhaps by way of initial views in the first instance by the 26<sup>th</sup> of October, would be welcome. If you feel it would be useful for the purposes of your deliberations, I would be happy to ask the NESC Secretariat to brief the Committee on the interim report.



Yours sincerely,



Phil Hogan, T.D.,  
Minister for the Environment, Community and Local Government.



01/11/2012

**Ref:**

**Oifig an Aire Comhshaoil, Pobail agus Rialtais Áitiúil.**  
**Memorandum for the Government**  
**Environmental Protection Agency Annual Report & Accounts 2011**

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### 3. Financial Overview

The report incorporates the Report of the Comptroller and Auditor General on the accounts, in whose opinion proper books of account have been kept. During 2011, the Agency's income was derived from the following sources:

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09/11/2012

Ref: Ref. No. EE POL 6/3/7/5

**Oifig an Aire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha**  
**Memorandum for the Government**  
**National Energy Efficiency Action Plan 2**

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## 2. Background/Reason for Memorandum

### 2.1 European policy landscape

[REDACTED]

The EU Commission's Energy Roadmap 2050, which aims for a 93-99% reduction in greenhouse gas emissions by 2050, is presented as an ambitious but feasible long term European energy policy for the decarbonisation of the economy. Coordination of all the various policy measures at EU level is crucial to realising the opportunity. Energy efficiency is highlighted by the Commission as a priority action area.

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### 3.1 Indicative Energy Efficiency/CO2 Savings

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The anticipated energy and CO2 savings are distributed as follows:

					CO (kt CO)		
Sector					2010	2016	2020
Public Sector					155	455	730
Business					620	1,025	1,330
Buildings					625	2,295	3,650
Mobility-Transport					160	840	1,360
Energy Supply					490	365	595
<b>Total</b>					<b>2,050</b>	<b>4,980</b>	<b>7,665</b>

An estimated reduction in CO2 emissions of over 2 million tonnes has also been achieved. Should all measures detailed in this plan reach their full potential by 2020 it is estimated that a reduction in annual CO2 emissions of around 7.7 Mt will be achieved. This represents a potential reduction in energy spend across all sectors of approximately €2.36 billion at 2011 prices. A very significant element of this will be Exchequer savings in the public sector.



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## Summary

### Employment

While the primary focus of the Action Plan is to deliver and deliver on the Government's commitment to create over 250,000 jobs by 2020, the plan also addresses the creation and retention aspect associated with energy efficiency. The plan will also work to develop new markets for green technology and services, and improve the country's economic competitiveness.

The EEF estimates that over 100,000 jobs will be created by 2020 as a result of improved energy efficiency in the residential and commercial sectors. By 2012, over 15,000 homes were upgraded through the Green Home Grant, delivering energy savings worth over €1.4 million. By the end of the period, no account will be taken of the fact that over 1,000 homes will be upgraded, delivering over the lifetime of the measures a saving of over €1.4 million in energy costs and improved energy security.

### North-South Partnership

While there are no immediate plans to establish a North-South Partnership, the Government is committed to the principle of a North-South Partnership. The plan will also address the energy security aspect, as many of the companies in both the North and South are involved in the oil and gas industry, which is a key sector for the economy. The plan will also address the need for a North-South Partnership to ensure the necessary resources are available to the companies in the region.

During the course of developing the plan, the Government has been in contact with the relevant departments in the UK, including the Department of Energy and Climate Change, to discuss the plan and to ensure that the plan is consistent with the UK's energy policy. The plan will also address the need for a North-South Partnership to ensure the necessary resources are available to the companies in the region. The plan will also address the need for a North-South Partnership to ensure the necessary resources are available to the companies in the region.

### Poverty Proofing

The National Energy Efficiency Scheme (NEES) is a key element of the plan, and will be a key element of the plan. The plan will also address the need for a North-South Partnership to ensure the necessary resources are available to the companies in the region.

Beyond the energy and emission reductions traditionally considered, energy efficiency improvements can also provide an extended range of benefits. A growing body of evidence identifies the multiple benefits of energy efficiency which include health and wellbeing, improved energy security and job creation.

The plan will also address the need for a North-South Partnership to ensure the necessary resources are available to the companies in the region.

### *Industry Costs*

[REDACTED]

The savings realised through energy efficiency improvements enhance competitiveness in Irish business, provide an increased level of insulation against likely future energy price rises, and contribute to our energy savings and emissions reduction targets.

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### *Climate Change*

Reducing energy consumption remains amongst the most cost-effective means of reducing Green House Gases and one of the primary means of achieving Ireland's climate change objectives. The NEEAP acts to underpin and extend the energy-related actions contained within the existing Climate Change strategy. Total estimated CO2 reduction in 2020 amounts to 7.7 million tonnes should all measures be fully delivered.

In light of the NESC interim report on climate change policy the impetus for improving the thermal efficiency of Ireland's building stock is more urgent than ever. The double dividend of reducing our over-dependence on imported fossil fuels and greenhouse gas emissions would realise significant savings on energy across the economy.

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On the other hand the benefits of implementation include the value of the energy savings to public and private sectors, increased business competitiveness, health improvements via warmer homes and buildings and a significant contribution to EU emission targets.

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14/12/2012

Ref:

**Oifig an Aire Comhshaoil, Pobail agus Rialtais ?iti?il.  
Memorandum for the Government  
National Climate Change Adaptation Framework**

[REDACTED]

[REDACTED]

[REDACTED]

## **2. Background/Reason for Memorandum**

There is international consensus that action is required to adapt to the impacts of climate change. The United Nations Framework Convention for Climate Change (UNFCCC) stipulates that every effort must be made to adopt national or regional adaptation strategies. Furthermore, the Inter-Governmental Panel on Climate Change (IPCC) emphasises that adaptation is essential to reduce the effects of climate change and is the only means to respond to the impacts from historic emissions. Without adequate planning, adaptation is likely to be ad hoc and more costly to address and possibly lead to worse outcomes than could otherwise have been achieved.

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17/12/2012

Ref:

**Oifig an Aire Comhshaoil, Pobail agus Rialtais Áitiúil.**  
**Memorandum for the Government**  
**National Low Carbon Development Bill 2013**

[REDACTED]

[REDACTED]

## **2. Background/Reason for Memorandum**

On foot of the commitment in the Programme for Government, which indicated that the Government would “publish a Climate Change Bill which will provide certainty surrounding government policy and provide a clear pathway for emissions reductions, in line with negotiated EU 2020 targets”, the Minister for the Environment, Community and Local Government developed a Programme for the development of national climate policy and legislation, which was sent to the Oireachtas Committee on Environment, Culture and the Gaeltacht in January 2012. This programme, a copy of which is at Annex 2, included a specific commitment to issue heads of a Climate Bill for consideration by the Oireachtas Committee and stakeholders, following Government approval, by end 2012.

[REDACTED]

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In summary, the approach provides that –

[REDACTED]

- It is not necessary to restate in the Bill existing targets which are binding under the relevant EU Decision and it is not appropriate, particularly in terms of avoiding the potential for litigation, to specify further emission reduction targets in the Bill; instead, the Bill should set out a clear national vision for the ambitious agenda of becoming a low carbon, climate resilient society with a competitive low carbon economy in the long term (to 2050);
- [REDACTED]
- [REDACTED]

#### 4. Vision

In order to ensure that the Bill articulates clearly the ambitious vision presented to the Cabinet Committee, the Bill is proposed to be titled as the “Low Carbon Development Bill 2013” and Head 4 places a clear requirement on the Government to arrange for the adoption and implementation of plans to enable the State to transition to a low carbon, climate resilient and environmentally sustainable economy in the period to 2050; this transition is to be achieved in the earliest, cost-effective manner. As discussed at the Cabinet Committee on



Climate Change and the Green Economy, the Bill does not restate commitments entered into or emissions reduction targets agreed at the international/EU levels; however, given the importance of ensuring that we honour relevant commitments and achieve the targets concerned, including Ireland's legally binding EU target to reduce emissions in the non-ETS sectors of the economy by 20% by 2020 (compared to 2005), explicit provision is included in Head 4 requiring commitments which the State has entered into at UN and EU level to be taken into account in the plans to be made for transition to a low carbon economy.

## **5. National Low Carbon Roadmap**

Head 5 provides for the preparation of a national low carbon roadmap by the Minister and its submission to Government for approval. The roadmap would develop further the vision for a low carbon economy and the policy measures to be adopted for emissions reductions and for enabling the State to adapt to the effects of climate change. In line with the proposed response to the initial policy report of the NESC Secretariat, also endorsed at the meeting of the Cabinet Committee on Climate Change and the Green Economy on 5th November last, provision is also made in Head 5 for the preparation of sectoral roadmaps, on mitigation and adaptation, by the Ministers concerned and for these to be incorporated into the overall national roadmap(s). Provision is also made for a public consultation process as part of the preparation of the national and sectoral roadmaps.

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## 9. Regulations

Finally, Head 12 provides a Regulation-making power for the Minister for the purpose of furthering the implementation of the Bill and for assessing the need for measures to protect critical pieces of infrastructure from the impacts of climate change. Provision is also made for the making of Regulations by the Minister for Jobs, Enterprise and Innovation, specifying certain classes of companies that will be required to publish information on their emissions of greenhouse gases in their annual reports.

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### *Industry Costs*

[REDACTED]

The Bill will make provision for regulations under which the directors' reports of certain companies will be required to contain information in relation to emissions of greenhouse gases from activities for which the company is responsible. It is not expected that this function would involve significant costs implications for industry.

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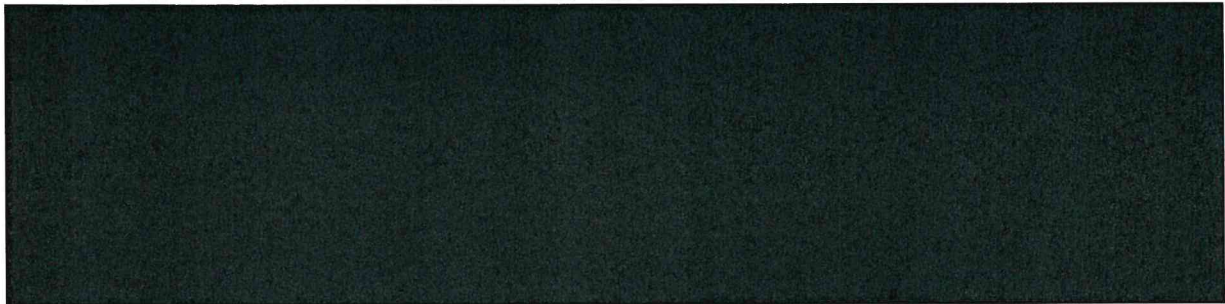
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## National Climate Policy

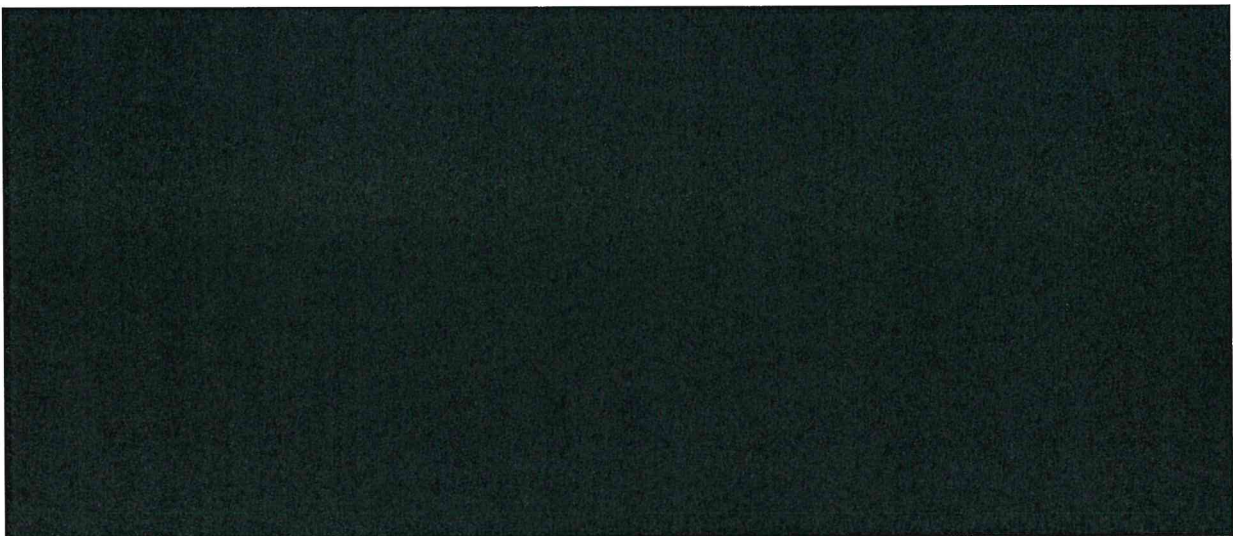
### Programme for the development of national climate policy and legislation

2012



End June

NESC Secretariat to submit its interim report, which will focus on potential options for policies and measures to close the distance to Ireland's greenhouse gas emission reduction target under Decision 406/2009/EC in the compliance period 2013-2020.







05/02/2013

Ref:

**Oifig an Aire Comhshaoil, Pobail agus Rialtais Áitiúil.**  
**Memorandum for the Government**  
**Dáil Private Member's Bill 8 February 2013 - Energy Security and Climate**  
**Change Bill 2012**

[REDACTED]

[REDACTED]

## **2. Background/Reason for Memorandum**

The purpose of the Bill is to further transition to an energy efficient, low carbon, climate resilient and environmentally sustainable society by providing for:

- the adoption of a national policy and the making of plans to reduce – (i) energy demand, (ii) dependence on non-renewable energy sources, and (iii) greenhouse gas emissions;
- adaptation to the effects of climate change;
- the support of these aims through the making of a National Energy Security and Climate Change Action Plan;
- the setting of national energy demand and greenhouse gas emission reduction targets, and
- related matters.

## **3. Main Provisions of the Bill**

The Bill proposes to make provisions for:

- national greenhouse gas (GHG) emission reduction targets, as follows:
  - 40% reduction in 2030, and
  - 80% reduction in 2050 – both set against a 1990 baseline.

[REDACTED]

[REDACTED]

#### **4. Grounds on which the Bill will be opposed**

The Programme for Government includes a commitment to “publish a Climate Change Bill which will provide certainty surrounding Government policy and provide a clear pathway for emissions reductions, in line with negotiated EU 2020 targets”. On foot of this commitment and following engagement with the Oireachtas Joint Committee on the Environment, Culture and the Gaeltacht, the Minister issued a Programme for the development of national climate policy and legislation in January 2012. In accordance with that Programme, work on developing outline Heads of progressive climate legislation has been completed and a proposal to release the outline Heads for consideration by the Oireachtas Joint Committee, and stakeholders, is before Government separately (Memorandum on the Low Carbon Development Bill refers). In that Memorandum, the Minister sets out details of his objectives and approach to progressive national legislation that “is expected to provide a platform for a strong stakeholder and wider society consensus on the fundamental objective of becoming a low carbon, climate resilient society with a competitive low carbon economy over the period to 2050”.

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- recognise or appreciate, having regard to Ireland's greenhouse gas emissions profile and the climate policy gaps that remain in the international agenda under the UN Framework Convention on Climate Change and within the EU, the absence of any understanding regarding how the proposed targets for 2030 and 2050 could be achieved in an Irish context.

In terms of a balanced and informed national response to the challenges and opportunities of transition to a low-carbon future, the Bill is premature and seriously flawed. The proposed provisions on 2030 and 2050 greenhouse gas emission reduction targets run counter to Government plans on a progressive and successful national transition agenda. The Minister proposes to indicate during the Dail debate on the Bill on Friday, February 8th, that, on foot of the commitment in his Programme for the development of climate policy and legislation, he has developed outline Heads of a Bill, which will provide a sound basis for engagement with stakeholders on the appropriate way forward, in legislative terms, that Government will very shortly finalise its consideration of these, and they will then be made available to the relevant Oireachtas Committee and stakeholders.

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20/02/2013

Ref:

**Oifig an Aire Comhshaoil, Pobail agus Rialtais Áitiúil.**  
**Memorandum for the Government**  
**Climate Action and Low Carbon Development Bill 2013**

[REDACTED]

## **2. Background/Reason for Memorandum**

On foot of the commitment in the Programme for Government to “*publish a Climate Change Bill which will provide certainty surrounding government policy and provide a clear pathway for emissions reductions, in line with negotiated EU 2020 targets*”, the Minister for the Environment, Community and Local Government developed a Programme for the development of national climate policy and legislation, which was sent to the Oireachtas Committee on Environment, Culture and the Gaeltacht in January 2012. This programme, a copy of which is at Annex 2, included a specific commitment to issue draft heads of a Climate Bill for consideration by the Oireachtas Committee and stakeholders, following Government approval, by end 2012.

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#### **4. Vision**

In order to ensure that the Bill articulates clearly the ambitious vision outlined above, the Bill is proposed to be titled as the “Climate Action and Low Carbon Development Bill 2013” and Head 4 places a clear requirement on the Government to arrange for the adoption and implementation of plans to enable the State to transition to a low carbon, climate resilient and environmentally sustainable economy in the period to 2050; this transition is to be achieved in the earliest, cost-effective manner. Given the importance of ensuring that we honour relevant commitments/targets at EU/international level, including Ireland’s legally binding EU target to reduce emissions in the non-ETS (Emissions Trading Scheme) sectors of the economy by 20% between 2005 and 2020, and any future targets/commitments, explicit provision is included in Head 4 requiring existing commitments which the State has entered into, and future commitments, at UN and EU level to be taken into account in the plans to be made for transition to a low carbon economy.

#### **5. National Low Carbon Roadmap**

Head 5 provides for the preparation of a national low carbon roadmap by the Minister and its submission to Government for approval. The roadmap would develop further the vision for a low carbon economy and the policy measures to be adopted for emissions reductions and for enabling the State to adapt to the effects of climate change. In line with the proposed response to the initial policy report of the NESC Secretariat, also endorsed at the meeting of the Cabinet Committee on Climate Change and the Green Economy on 5th November last, provision is also made in Head 5 for the preparation of sectoral roadmaps, on mitigation and adaptation, by the Ministers concerned and for these to be incorporated into the overall national roadmap(s). Provision is also made for a public consultation process as part of the preparation of the national and sectoral roadmaps.





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**General Scheme**

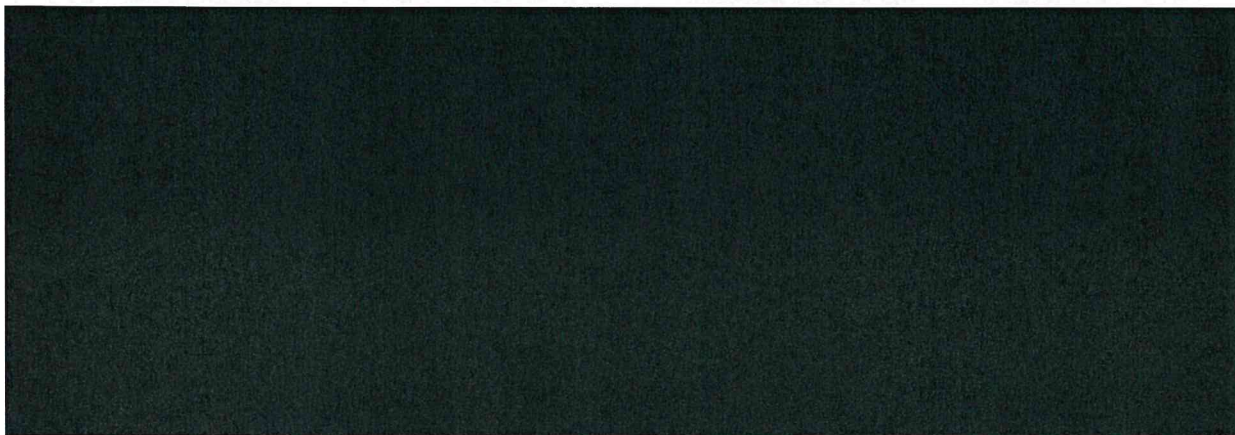
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**Climate Action and Low Carbon Development Bill 2013**

## National Climate Policy

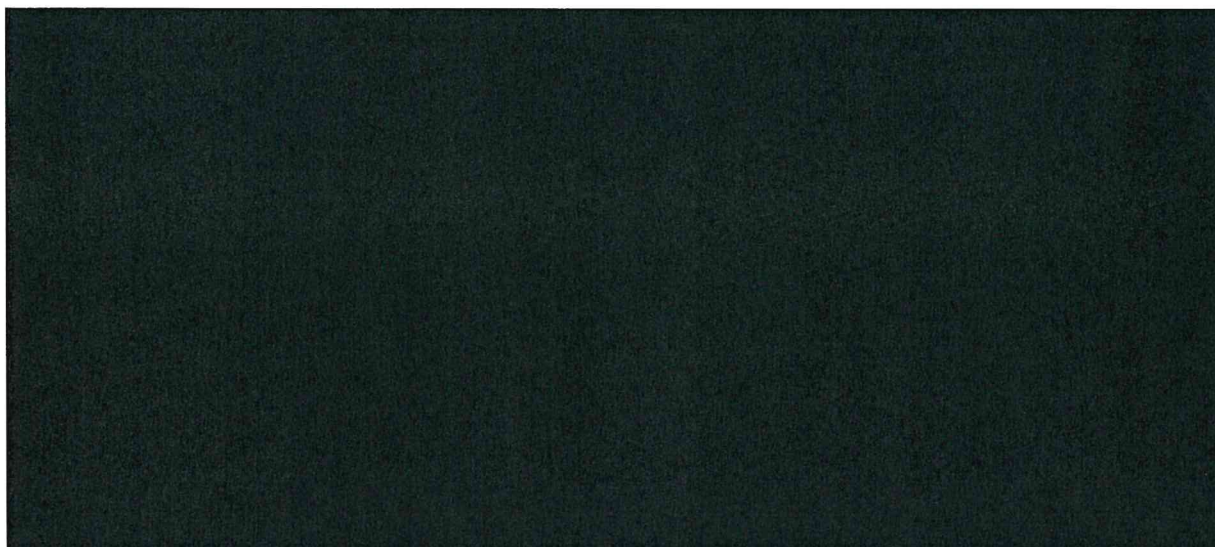
### Programme for the development of national climate policy and legislation

2012



End June

NESC Secretariat to submit its interim report, which will focus on potential options for policies and measures to close the distance to Ireland's greenhouse gas emission reduction target under Decision 406/2009/EC in the compliance period 2013-2020.



Draft Press Release

Hogan publishes Heads of a Climate Action and Low-Carbon Development Bill  
and NESC Secretariat Climate Policy Analysis

[REDACTED]

[REDACTED]

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On the issue of greenhouse gas emission reduction targets, Minister Hogan said he wished to put the record straight on this critical issue. "Ireland already has a challenging greenhouse gas mitigation target for 2020, which is binding under EU law. Compliance with that target is not an option; it is absolutely paramount and any ambition we set at a national level must,



and will, respect compliance with this fundamental mitigation commitment and future increases in ambition” he said. As indicated in the Heads released today, the legislation being developed by Government will be unequivocal on compliance with existing and future obligations of the State under EU law and any international agreement to which the State becomes a party. Ireland has consistently and constructively supported EU leadership in seeking to mobilise an effective global response to climate change, and Minister Hogan said that a key objective for him in initiating the policy and legislation development process was “to ensure that we maintain our place among the progressive Member States within the EU and progressive Parties under the UN Convention on climate change”.

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### **Key provisions of the proposed Climate Action and Low Carbon Development Bill 2013**

- Head 3 will provide absolute certainty around the fundamental commitment of the State to meeting current and future binding obligations (targets) under EU or international law.

[REDACTED]

- Head 5 will provide for the making of a national low-carbon development plan (roadmap) and sectoral roadmaps; the national roadmap shall “articulate a national vision for the transition to a low-carbon, climate resilient and environmentally sustainable economy over the period to 2050.



[REDACTED]

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In anticipation of the provisions of Head 5, the Government has already mandated sectoral roadmaps on transport, energy/the built environment and agriculture. Work on these roadmaps is already under way. While near zero carbon dioxide (CO<sub>2</sub>) emissions in 2050 should set the context for the energy/built environment roadmaps, generally reflecting the ambition at EU level, carbon neutrality is the more appropriate approach in the case of the agriculture sector.



19/04/2013

Ref:

**Oifig an Taoisigh  
Memorandum for the Information of the Government  
Ireland's National Reform Programme (NRP) under the Europe 2020  
Strategy**

[REDACTED]

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### 3. Contents of the NRP

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### 3. Climate Change



Ireland's Headline Target is to reduce greenhouse gas emissions in the non-traded sector by 20% compared to 2005 levels; increase the share of renewables in final energy consumption to 16% by 2020; to move towards a 20% increase in energy efficiency.

Ireland has continued to make progress in achieving its 20-20-20 targets on greenhouse gas emissions, renewable energy and energy efficiency.

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10/05/2013

Ref:

**Oifig an Aire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha**  
**Memorandum for the Information of the Government**  
**Energy Efficiency Measures**

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### 3. Impact

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#### 3.2 Industry Costs

The savings realised through energy efficiency improvements enhance competitiveness in Irish business, provide an increased level of insulation against likely future energy price rises, and contribute to our energy savings and emissions reduction targets.

[REDACTED]

#### 3.3 Climate Change

Reducing energy consumption remains amongst the most cost-effective means of reducing Green House Gases and one of the primary means of achieving Ireland's climate change objectives. In light of the NESC report on climate change policy the impetus for improving the thermal efficiency of Ireland's building stock is more urgent than ever. The double dividend of reducing our over-dependence on imported fossil fuels and greenhouse gas emissions would realise significant savings on energy across the economy. Removing support for domestic energy efficiency grants, without a suitable alternative will substantially reduce the level of carbon savings realised.

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